DEPARTMENT OF PLANNING AND PERMITTING

CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL MAYOR



KATHY K. SOKUGAWA ACTING DIRECTOR

TIMOTHY F. T. HIU DEPUTY DIRECTOR

EUGENE H. TAKAHASHI DEPUTY DIRECTOR

August 23, 2019

2019/MOD-53(MS) 2017/SDD-11

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

Dear Mr. Freeman:

SUBJECT: Minor Modification

Interim Planned Development-Transit (IPD-T) and Major Special District (SD) Permit No. 2017/SDD-11

Hawaii Ocean Plaza

1370 Kapiolani Boulevard - Kapiolani Tax Map Keys 2-3-016: 018 through 020

Your request (received June 5, 2019, with revised documentation received July 25, 2019) to remove the basement levels; revise the parking garage layout, driveway location, street frontage design, and rooftop structures; reduce the number of full-size loading spaces; and encroach into the transitional height setback and 100-foot tower separation as shown in Exhibits B-1 through B-22, is PARTIALLY APPROVED as a MINOR MODIFICATION to the above IPD-T Permit (Resolution No. 17-175, CD1) and SD Permit. This Project shall be subject to the following conditions:

Operation and development shall be in general conformance with the approved Project, as described herein and shown on plans and drawings enclosed and labeled as Exhibits B-1 and B-22. Any modification to the request and/or approved plans shall be subject to the prior review of and approval by the Director of the Department of Planning and Permitting (DPP). Minor modifications shall be processed in accordance with Land Use Ordinance (LUO) Section 21-2.20(k) and Revised Ordinances of Honolulu Chapter 25. Major modifications require a new Resolution and/or SD Permit.

- Final approval of the design and location of the driveway and loading spaces are subject to the approval by the DPP Traffic Review Branch (TRB) during the review of the Traffic Management Plan (TMP) and building permits.
- Condition D.3 of SD Permit No. 2017/SDD-11, is amended in its entirety as follows:
 - "3. A draft declaration of restrictive covenant for the DPP Director's review and approval. The declaration of restrictive covenant shall ensure the private central driveway will be accessible by the public 24 hours of the day, 7 days of the week for the life of the structure, and requires the Applicant to maintain the driveway. Upon approval of the draft document, the Applicant shall submit the executed and duly recorded restrictive covenant to the DPP's LUPD."
- Condition L.1 of Resolution No. 17-175, CD1, is amended as follows:
 - "L. Prior to approval of a building permit for the demolition of existing structures, the Applicant shall provide the following:
 - An updated Traffic Impact Study ("TIS"), or separate analysis, evaluating a roundabout or other mitigative strategy to address traffic and circulation impacts at the Sheridan Street and Makaloa Street intersection.

The TIS shall include the analysis of the multi-modal nature of the Ala Moana neighborhood, including how its proposed roadway improvements, traffic and circulation plans may affect/be affected by area properties and specifically by future proposed development. The TIS should evaluate and encourage walking, bicycling, and transit use as the primary access modes for the Project."

- 5. Condition N of Resolution No. 17-175, CD1, is amended as follows:
 - "N. Prior to approval of a major special district permit issuance of any CO for the Project, the Applicant shall:
 - Submit to the DPP, for review and approval, a bicycle parking plan that shows: (1) the relocation of some of the 28

public short-term bicycle parking stalls near the entrances of the commercial spaces along Makaloa Street and destinations along Kapiolani Boulevard; and (ii) the location of the bicycle sharing station.

- 2. Submit to the DPP, for review and approval, a signage plan that includes wayfinding signage, and community room signage identifying the location, hours of operation, and public availability of the community room. The Applicant shall install the All approved signage shall be installed prior to the issuance of a CO."
- 6. Except as modified herein, the approved plans and conditions of the prior approved permit and Resolution as modified shall remain in effect.
- 7. Approval of this request for minor modification shall not be construed as approval of any building permit application; such applications are reviewed separately and shall comply with applicable codes and regulations.
- 8. The Director may modify the conditions of this approval by imposing additional conditions, modifying existing conditions, or deleting conditions deemed satisfied upon a finding that circumstances related to the approved Project have significantly changed so as to warrant a modification to the conditions of approval. In the event of the noncompliance with any of the conditions set forth herein, the Director may terminate all uses approved under this minor modification or halt their operation until all conditions are met or may declare this minor modification null and void or seek civil enforcement.

On March 28, 2018, the City Council adopted Resolution No. 17-175, CD1 (Resolution), which approved SD Permit No. 2017/SDD-11 to construct a 40-story, 400-foot-high mixed-use tower. The Applicant proposes various revisions and improvements to the Project. Revisions to the design of the building include reconfiguring the lanais on Floors 9 through 15 and 17 through 40 in an orthogonal orientation, modifying the floor plan on Floor 16, and removing the photovoltaic rooftop trellis. Certain modifications are required to comply with conditions of the Resolution and the SD Permit, e.g., relocating the commercial establishment entrance approximately 50 feet apart along Kapiolani Boulevard, and revising the restaurant and pool layout on Floor 8 to address the wind tunnel effect caused by the neighboring tower. All other modifications are described below.

Elimination of the Basement Levels: Vehicular and bicycle parking were proposed on three basement levels and within the parking podium on Floors 2 through 7. According to the Applicant, however, the condition of the soil on the Project site has made the construction of the basement levels cost-prohibitive. The Applicant now requests to remove all three basement levels. As a result, the residential bicycle parking and commercial parking and loading will be redistributed to the ground floor and Floors 2 through 7, and the number of off-street parking spaces will be reduced from 414 to 403 off-street parking spaces (see Exhibits B-1 through B-7). There is no change in the number of bicycle parking spaces and loading spaces. Although the request to remove the basements levels and redistribute the parking spaces will reduce the number of off-street parking spaces, the Project complies with Resolution Condition G, which requires that no more than 414 off-street parking spaces be provided on the Project site.

Revised Loading and Driveway Location: Based on the IPD-T Permit, the recommended number of loading spaces is five loading spaces; the Applicant provided six loading spaces consisting of four full-size loading spaces (12 x 35 feet) and two standard-size loading spaces (19 x 8.5 feet). The Applicant now requests to relocate the six loading spaces from the basement level to the ground floor and Floor 2; two full-size loading spaces will be on the ground level and four standard-size loading spaces will be on Floor 2 (see Exhibits B-1, B-2 and B-18). This is a reduction in the number of full-size loading spaces required by the LUO from three (5 divided by 2 is 2.5) loading spaces to two loading spaces. Section 21-6.120 of the LUO requires that the minimum horizontal dimension of at least half of the required spaces must be 12 x 35 feet with vertical clearance of at least 14 feet and the balance of required spaces must be 19 x 8.5 feet with vertical clearance of at least 10 feet. Since the overall number of loading spaces (six) will not change, and the full-size loading spaces will be easily accessible on the ground floor, the request to reduce the number of full-size loading spaces is reasonable.

The two full-size loading spaces will be accessed from Makaloa Street in a right turn only movement, and trucks will also exit onto Kapiolani Boulevard in a right turn only movement. Driveway flares at the Kapiolani Boulevard exit will be modified to prevent drivers from turning left onto Kapiolani Boulevard. The use of the loading spaces should be discouraged during the afternoon and evening hours when the contraflow of Kapiolani Boulevard is in effect. Conceptually, the revised design of the loading area and driveways are acceptable. However, the DPP TRB may provide specific comments regarding the proposed driveway location, loading space layout, and drop-off areas during their review of the construction plans. Further, the Applicant is required to submit an updated TMP prior to the issuance of the temporary Certificate of Occupancy (CO). The updated TMP should include a description of the loading space

operating hours. TRB will review the updated TMP for compliance with Condition L.2 of the Resolution prior to issuance of a temporary CO.

Revised Bicycle Parking Location: The 28 public short-term bicycle parking spaces and the bicycle sharing stations are relocated near the commercial establishment entrances (see Exhibit B-1). The bicycle share station will provide 15 docks. The location of the bicycle parking spaces and sharing stations are acceptable.

The bicycle plan was submitted for review after the approval of the SD Permit. Therefore, Condition N of the Resolution is revised accordingly.

Revised Signage Plan Condition: The Applicant has not submitted a signage plan prior to the approval of the SD Permit. Therefore, Condition N of the Resolution is revised accordingly.

Declaration of Restrictive Covenant: Based on discussions with the Agent, a declaration of restrictive covenant is required in lieu of an easement for the designation of the driveway and pedestrian walkway. Therefore, Condition D.3 is amended in its entirety.

Tower Separation Encroachment: The Transit-Oriented Development (TOD) Plan recommends a minimum separation between tall buildings that are 100 feet or more in height. Based on the conceptual plans, the tower complied with the recommendation. However, the Applicant is proposing to add a "frame" element to complete the overall facade design that was not previously shown on the conceptual plans. This architectural embellishment creates interest and avoids typical monotonous repetitive building facades. However, starting on Floor 9 to the roof, the building fenestration on the east and west sides of the building will encroach six inches into the recommended 50-foot setback (see Exhibits B-14, B-16 and B-19). Since the proposed projection into the 50-foot setback is minimal and will not negatively impact the urban environment, the encroachment is acceptable.

Transitional Height Setback Encroachment: The Applicant proposes to encroach two feet into the transitional height setback along Kapiolani Boulevard and Makaloa Street (see Exhibit B-15, B-17 and B-20). The architectural embellishments were not shown on the conceptual plans. For a complete and consistent facade design, the building fenestration is included on all four sides of the building and resulted in the slight encroachment. The encroachment at the roof of the tower represents a very small percentage of the total building volume. The encroachment is minimal and will not negatively impact the surrounding properties.

Changes within the Yards: The TOD Plan recommends a 12-foot setback area and 70 percent of the building facade within the maximum front setback along Kapiolani Boulevard and a five-foot setback and 70 percent building frontage within the maximum front setback along Makaloa Street. The Applicant proposes ten-foot-wide and eight-foot-wide unobstructed pedestrian zones (combined right-of-way and Applicant's property) along Kapiolani Boulevard and Makaloa Street, respectively. The steps along the ewa side of Kapiolani Boulevard have been set back to the build-to line at 12 feet. The Diamond Head side of Kapiolani Boulevard is redesigned by relocating the outdoor dining tables and bicycle share station formerly within the setback area to the 12-foot build-to line to provide for a wider pedestrian zone. The Applicant proposes an arcade with the exterior face designed approximately two feet and five feet away from the property lines along Kapiolani Boulevard and Makaloa Street, respectively.

The central driveway and pedestrian walkway improvements along Kapiolani Boulevard and Makaloa Street provide a public community benefit, therefore, they are excluded from the 70 percent building facade requirement. Although the driveway and pedestrian walkway are not included in the calculation, the ground floor building facade along Kapiolani Boulevard is still less than 70 percent of the linear street frontage by three percent (see Exhibit B-21 and B-22). The Applicant has attempted to keep the building as close to the build-to-line while providing an active ground floor with commercial establishments, outdoor dining space and a bicycle share station on the ground floor. This is reasonable and will not negatively impact the area. The proposed Project is generally consistent with the TOD Plan recommendations and complies with SD Permit Conditions B.1.c, B.3.a, and C.1.

Park Dedication Changes: We were unable to make comments on the revised park dedication. It is unclear how the Applicant intends to satisfy park dedication requirements. The Applicant is required to submit a Park Dedication Application.

Blank Wall Redesign: The Project does not comply with SD Permit Condition B.4 as the parking podium exterior side walls are unarticulated. Condition B.4 required that the Project's side elevations not show a continuous blank wall. The Applicant must submit revised drawings that better comply with Condition B.4 by providing architectural elements, effective surface articulation, landscaping or include openings on the side walls of the parking podium.

Remove Crosswalk: A crosswalk at the Diamond Head side of the Kapiolani Boulevard and Kona Iki Street intersection currently exists. The Applicant received approval to provide a second pedestrian crosswalk on the ewa side of Kapiolani Boulevard and Kona Iki Street intersection. The Applicant is now requesting to remove the installation of the ewa crosswalk; however, no alternative option is proposed. Based on the Applicant's traffic enginee's analysis, the crosswalk would conflict with the high

volume left-turn movement. This area will experience increasing pedestrian volumes and transit circulation. Vehicular operational considerations must be balanced with pedestrian safety considerations. Therefore, the request to eliminate the ewa crosswalk from the Project is **DENIED**.

Please note that Condition L.1 of the Resolution has not been satisfied. Since a demolition permit has been issued for this Project (see Building Permit Nos. 808369 and 808579) and an updated TIS or separate analysis has not been submitted, Condition L.1 should be revised accordingly. Further, the updated TIS should also analyze the multi-modal nature of the Ala Moana neighborhood, including how its proposed roadway improvements, traffic and circulation plans may affect/be affected by area properties and specifically by future development. The TIS should evaluate and encourage walking, bicycling, and transit use as the primary access modes for the Project. As stated in Condition L.1 of the Resolution, the Applicant shall coordinate with the City Department of Transportation Services to discuss this condition.

Any party (to the case) 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 of personal service of the Director's written decision (ZBA Rules Relating to Procedure for Appeals, Rule 22-2, Mandatory Appeal Filing Deadline). Essentially, the ZBA's rules require that a petitioner show that the Director base his/her actions on an erroneous finding of a material fact, and/or that the Director acted in an arbitrary or capricious manner, or manifestly abused his/her 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).

Failure to comply with the 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, 7th Floor Honolulu, Hawaii 96813

Should you have any questions, please contact Malynne Simeon, of our staff, at 768-8023 or via email at msimeon@honolulu.gov.

Very truly yours,

Kathy K. Sokwawa Acting Director

Enclosure: Exhibits B-1 through B-22

Receipt No. 122644

cc: /TRB (Lance Watanabe)
/Subdivision (Mario Siu-Li)
/Zoning Plan Review Branch (Keith Tamura)
/TOD (Harrison Rue)

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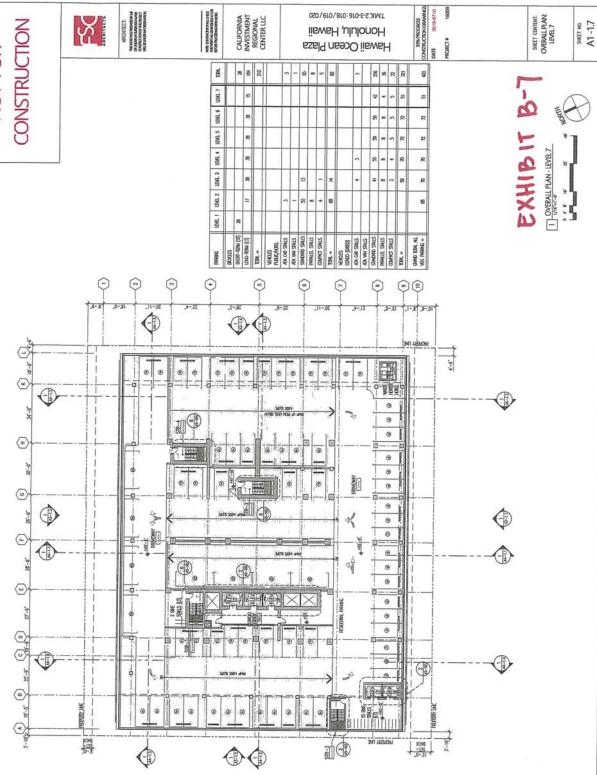
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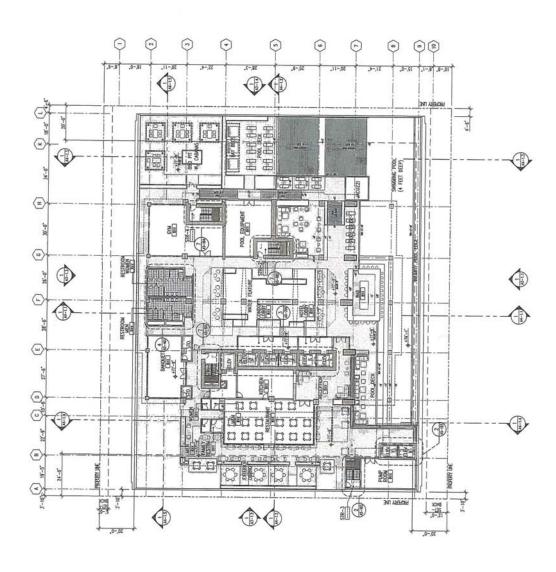
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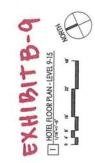


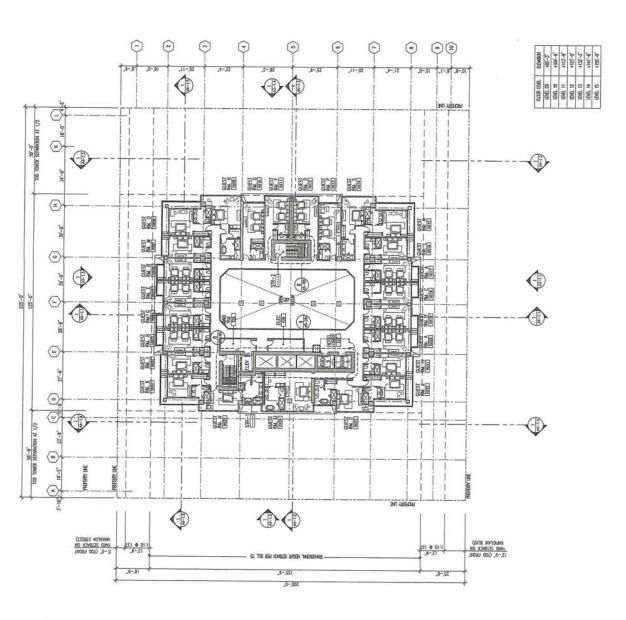
CALIFORNIA INVESTMENT REGIONAL CENTER LLC

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CONSTRUCTION DRAWANGS
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PROJECT # 16009

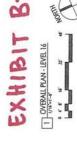
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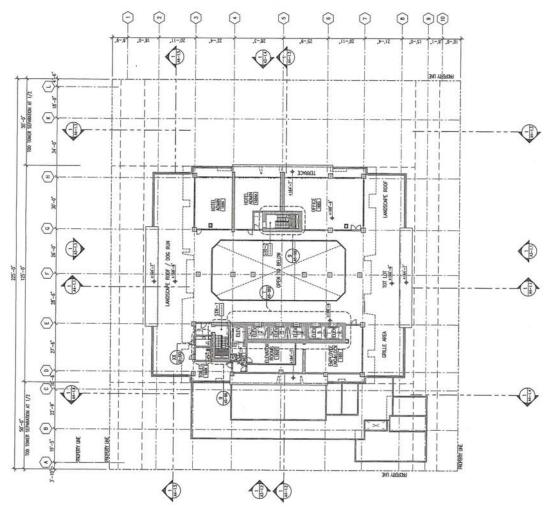
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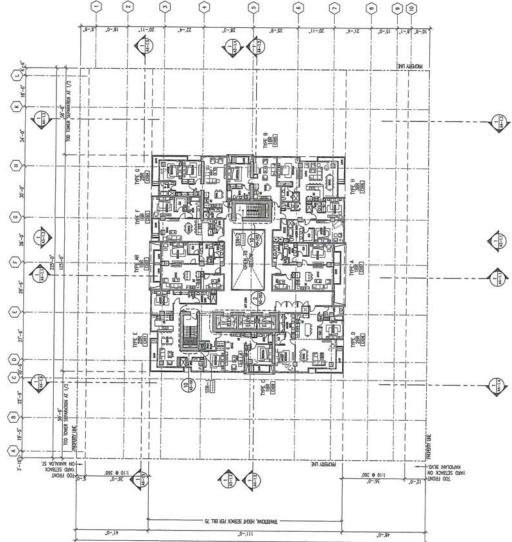






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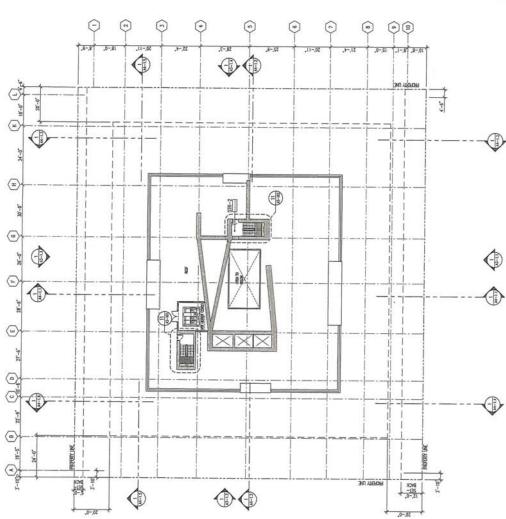
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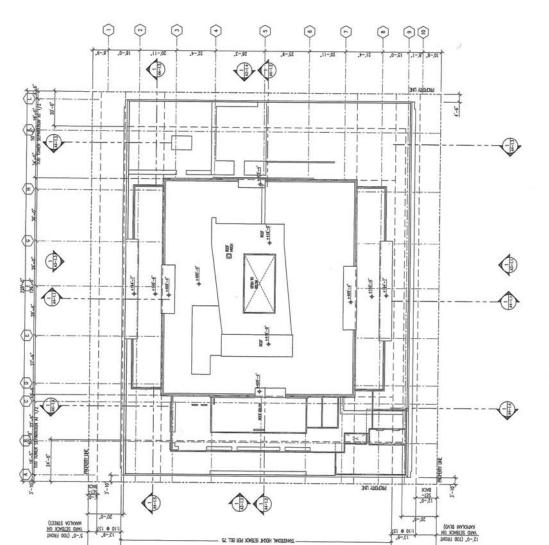
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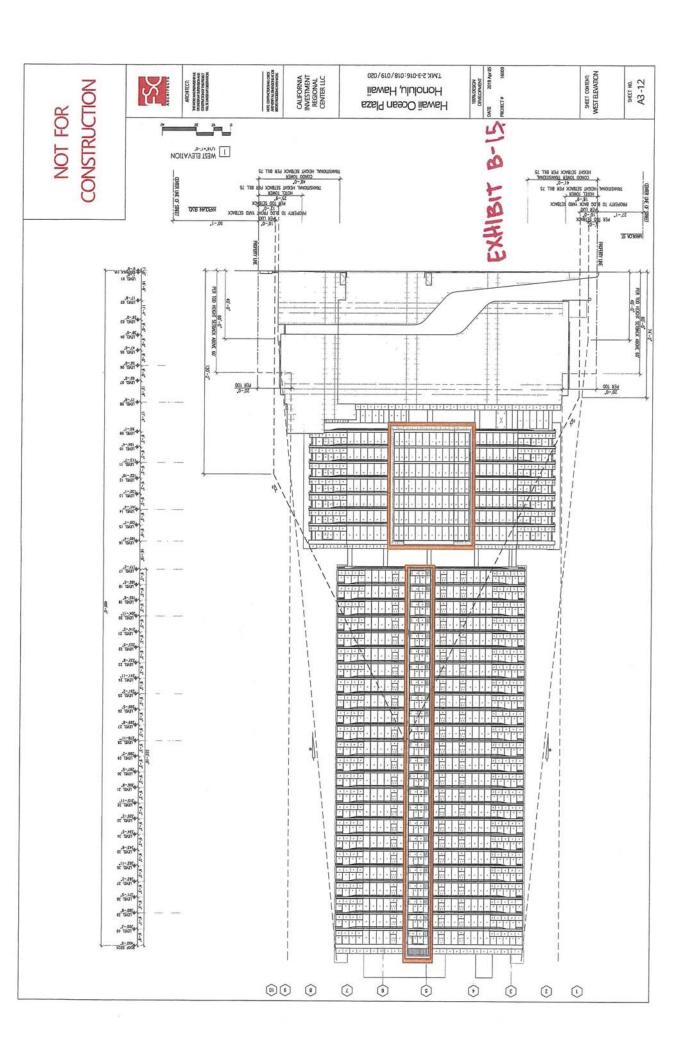
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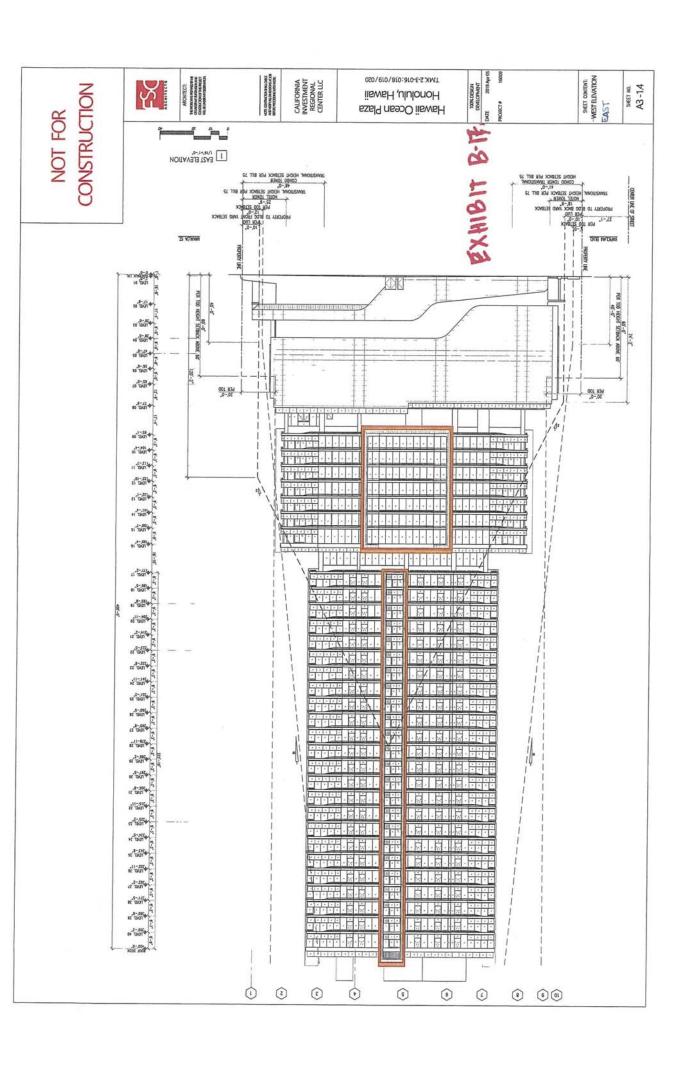
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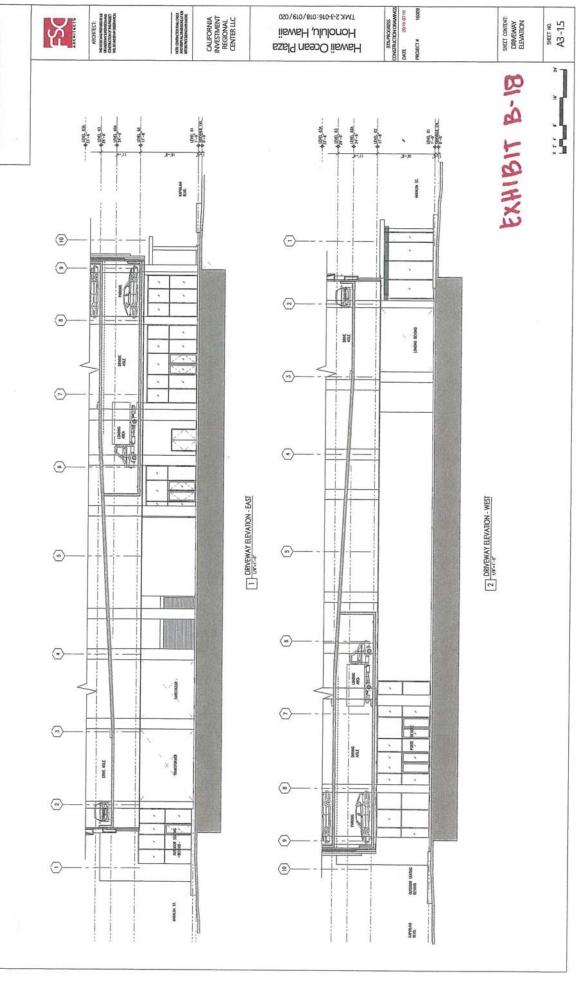
EXHIBIT B-13 RESIDENTIAL CONDOMINIUM - ROOF PLAN

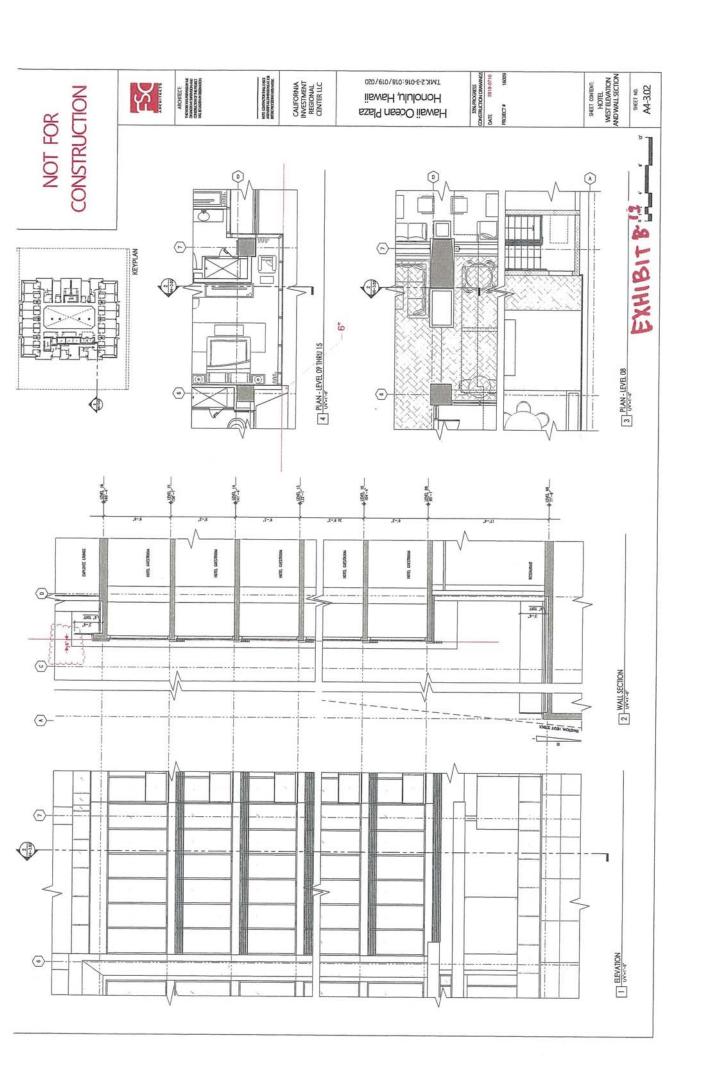


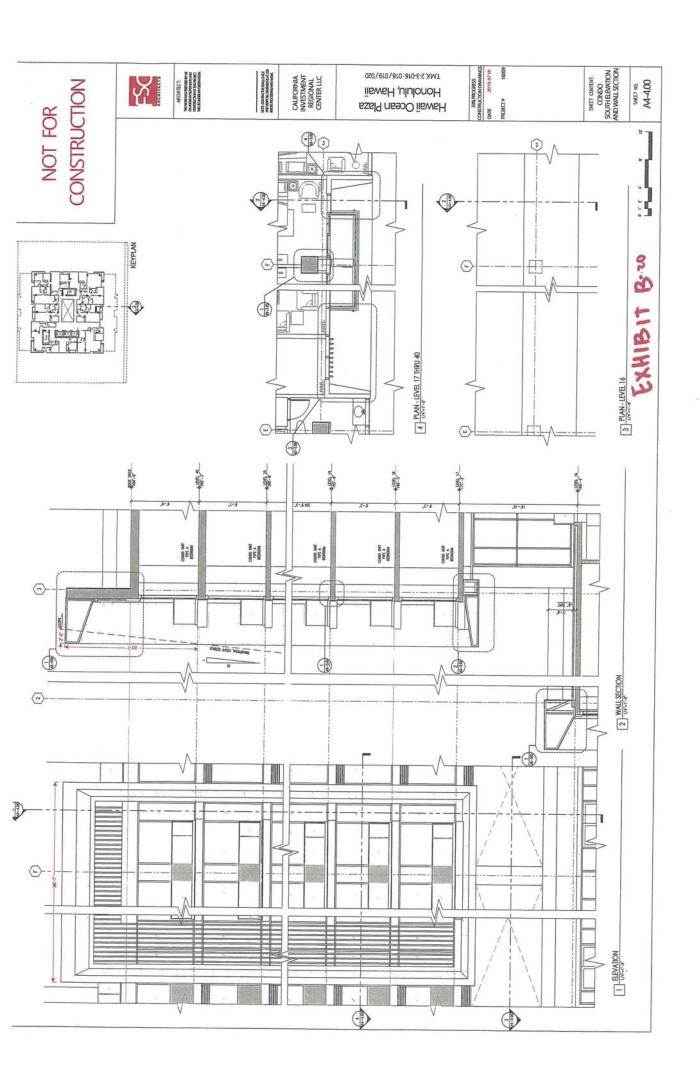
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Hawaii OCEAN Plaza

Buildable Area Boundary Line calculations

2019-0710

Option 2- No Internal Drive in Calculation		%
Makaloa Street	225'-0"	77%
Façade to the Build to line:		
Loading Entrance	29'-8"	
Fire Control	13'-4"	
Retail	37'-8"	
Internal Driveway	50'-8"	
Retail	54'-2"	
Total With Driveway	185'-6"	
Total Without Driveway	134'-10"	
Façade NOT to the Build to line	2:	
Side yards	8'-8"	
Residential Parking Ramp	30'-10"	
Total	39'-6"	

Option 2- No Internal Drive in Calculation		%
Kapiolani Blvd.	225'-0"	64%
Façade to the Build to line:		
Loading Exit	23'-11-1/4"	
Façade element	4'-0"	
Internal Driveway	52'-4-1/2"	
Retail/ Restaurant	83'-0"	
Total	110'-11"	
Façade NOT to the Build to line:		
Side yards	3'-10"	
Side yards	4'-6"	
Hotel Lobby façade	53'-4-1/4"	

OFFICIAL RECEIPT DEPARTMENT OF PLANNING AND PERMITTING CITY AND COUNTY OF HONOLULU

122644

	Date: June	12 , 20 19
Received From: Hawaii Ocean Plaza LP		
Six hundred and no/100		DOLLARS
For: 2019/MOD- 53		
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