

## SUMMARY - PUBLIC HEARING

## HAWAII COMMUNITY DEVELOPMENT AUTHORITY

State of Hawaii

December 6, 2013 – 10:00 a.m.

ATTENDANCE

Members Present: Linda Chinn (DHHL)  
Randy Grune (DOT)  
Ivan Nishiki (DAGS)  
Jesse Souki (DBEDT)  
Shirley Swinney

Members Absent: Miles Kamimura  
Luis Salaveria (DBF)

Others Present: Brian Lee, Chairperson  
Anthony Ching, Executive Director  
Lori Tanigawa (Deputy Attorney General)  
Tesha Malama, Kalaeloa Director of Planning & Development  
Lindsey Doi, Compliance Assurance & Community Outreach Officer  
Patricia Yoshino, Secretary  
Holly Hackett (Court Reporter)

A public hearing of the Kalaeloa members of the Hawaii Community Development Authority (“Authority”), a body corporate and public instrumentality of the State of Hawaii, was called to order by Mr. Brian Lee, Chairperson of the Authority at 10:04 a.m. on Wednesday, December 6, 2013, at the Department of Hawaiian Home Lands Conference Center, 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707.

Development Permit Application KAL 13-001: Cloudbreak Hawaii LLC

Chairperson Lee stated that the public hearing was being held under the provisions of §206E-5.6, Hawaii Revised Statutes to render a decision on the development permit application KAL 13-001 (“Application”) dated October 8, 2013. An initial public hearing was held on November 13, 2013 to allow the Application to be presented to the Authority and to provide the public with the opportunity to present oral and/or written testimony.

Chairperson Lee stated that the applicant is Cloudbreak Hawaii LLC (“Applicant”), and the project address is 91-1078 Yorktown Street, Kapolei, Hawaii 96707. The TMK for the property is: 9-1-013:054. The Applicant proposed to construct a new 4-story residential rental facility with 50 residential units/beds for U.S. veterans and non-veterans.

Notice of the public hearings was published on October 13, 2013, in the Honolulu Star Advertiser. The notice was made available for public review at the office of the Hawaii Community Development Authority (“HCDA”) and on the HCDA website. In addition, adjacent landowners and the Ewa, Waianae Coast, Makakilo/Kapolei/Honokai Hale and Nanakuli/Maili Neighborhood Boards, various elected officials, State and County agencies were notified of this hearing. Pursuant to HRS 206E-5.6, notice was provided to the President of the Senate and Speaker of the House.

#### Staff Report, Findings of Fact and Recommendations

Executive Director Anthony Ching summarized the project description regarding the land use; density; building type and form; building placement; setback; open space; landscape and recreation space; parking and loading; public facilities dedication; and reserved housing. Regarding density, he stated that the proposed density requirements were not applicable since Federal regulations take precedence over Kalaeloa Rule regulations. With respect to nonconformities, a conditional use permit was granted by the Authority on November 13, 2013.

Mr. Ching noted that the November 18, 2013 letter from the Department of Transportation stated that Federal Aviation Administration (“FAA”) regulations required the submittal of FAA Form 7460-1. The Applicant indicated that the form was submitted to the FAA.

Mr. Ching presented the findings of fact that the Project was consistent with all applicable objects of the Kalaeloa Rules; the project complied with all applicable provisions and advances the goals, policies and objectives of the Kalaeloa Master Plan; and the Project did not have adverse effect on the surrounding land uses and was compatible with the existing and planned land use character of the surrounding area. He recommended that the Authority adopt staff’s findings of fact and approve the Applicant’s request for a Development Permit.

Chairperson Lee asked if Members had any questions on the staff report.

Member Souki asked if the landowner, the U. S. Department of Veterans Affairs (“VA”), was voluntarily subjecting themselves to the HCDA rules.

Mr. Ching responded that it was a combination because the Applicant was also participating with the Hawaii Housing Finance & Development Corporation (“HHFDC”). The Applicant would need balance lease specifications issued by the VA as well as relevant HHFDC requirements, which included processing an environmental assessment.

#### Public Testimony

Chairperson Lee stated that the Authority received 20 letters in support of the project, including a letter from Senator Mike Gabbard.

Chairperson Lee asked if anyone in the audience wished to comment on the project. There were

none.

### Decision Making

Chairperson Lee polled individual members on whether they had reviewed the record and were prepared to deliberate on the Application. All Members present responded in the affirmative.

Chairperson Lee entertained a motion to adopt the staff's findings of fact and recommendation and approve development permit application KAL 13-001 for the Applicant Cloudbreak Hawaii LLC located at 91-1078 Yorktown Street, Kapolei, Hawaii 96707, Tax Map Key 9-1-013:054.

A motion was made by Member Swinney and seconded by Member Grune.

A roll call vote was conducted.

Ayes: Members Chinn, Grune, Nishiki, Souki and Swinney.

Nays: None

The motion passed 5 to 0 with 4 excused (Members Kamimura and Salaveria and 2 vacant positions).

### ADJOURNMENT

The public hearing was closed at 10:24 a.m.

Note: The transcript of this meeting contains a verbatim record and should be consulted if additional detail is desired.