

## SUMMARY - PUBLIC HEARING

## HAWAII COMMUNITY DEVELOPMENT AUTHORITY

State of Hawaii

April 2, 2014 – 9:00 a.m.

ATTENDANCE

Members Present: Rodney Funakoshi (DBEDT)  
Randy Grune (DOT)  
Miles Kamimura  
Brian Lee  
Lois Mitsunaga  
Brian Tamamoto (9:10 a.m.)  
Kalbert Young (DBF) (9:05 a.m.)

Members Absent: Dean Seki (DAGS)

Others Present: Anthony Ching  
Lori Tanigawa (Deputy Attorney General)  
Shelby Hoota  
Patricia Yoshino  
Holly Hackett (Court Reporter)

A public hearing of the Kakaako 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 9:00 a.m. on Wednesday, April 2, 2014, at the Authority’s principal offices at 461 Cooke Street, Honolulu, Hawaii 96813.

Development Permit Application KAK 13-157: Wei Fang

Chairperson Lee stated that the public hearing was being held under the provisions of §206E-5.6, Hawaii Revised Statutes to review the development permit application KAK 13-157 (“Application”) dated December 20, 2013. The nature of the public hearing was to provide the public with the opportunity to present oral and/or written testimony and to render a decision on the Application. An initial hearing was held on February 5, 2014 to allow the Application to be presented to the Authority and accept public testimony. In addition, supplemental public comment sessions were held on Saturday, February 15, 2014, Tuesday, February 18, 2014, Saturday, March 18, 2014 and Tuesday, March 18, 2014 to provide the public with additional opportunities to present testimony. All oral public testimony was recorded by the court reporter for consideration by the Authority.

Chairperson Lee stated that the applicant is Wei Fang (“Applicant”), and the project address is 441 Cooke Street. The TMKs for the property is: (1)2-1-053: 032. The Applicant

proposes to construct a 670 square foot mezzanine in an existing warehouse space. The project falls under the Kaiaulu 'O Kakaako Master Plan permit which was approved by the Hawaii Community Development Authority ("HCDA") on September 2, 2009.

Notice of the public hearings was published on January 5, 2014, 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. The landowners, lessees and other stakeholders in the Kakaako District and surrounding communities, state and county agencies, state legislators, Honolulu City Councilmembers, and approximately 321 community groups and individuals and organizations were notified of the hearing. Pursuant to HRS 206E-5.6, notice was provided to the President of the Senate and Speaker of the House.

### Staff Report

Executive Director Anthony Ching presented the staff report via a PowerPoint presentation (see Exhibit A). He stated that the project complies with all applicable provisions of chapter 22 of Hawaii Administrative Rules including land use, density, height, off-street parking and loading. Staff proposed the following findings of fact:

- A. The floor area of the proposed construction does not exceed twenty-five percent (25%) of the floor area of the structure as it legally existed on February 27, 1982;
- B. The proposed mezzanine does not encroach into a required yard;
- C. The existing structure and expansion do not exceed forty-five (45) feet in height;
- D. The proposed construction does not adversely affect neighboring properties;
- E. The parking requirements of this chapter are satisfied for the area proposed to be constructed; and
- F. The area created by the proposed construction will be utilized for a permitted use.

Mr. Ching recommended that the Authority adopt the findings of fact as its own and approve the Application for a base zone development permit with the conditions recommended by staff. There were questions from Members on the staff report.

Chairperson Lee asked if it would be typical for the county regulations to have public hearings for a project that is a 670 square foot addition.

Mr. Ching replied that the county would not require any hearing since the project did not require rezoning and was not an expansion of a non-conforming use.

Chairperson Lee commented that, in this case, HCDA's regulations seem to be stricter than regular county regulations. Regulations that are imposed affect big and small business alike.

Member Tamamoto asked if it was correct that no loading zone or parking is required since the mezzanine was not used for storage or any kind of delivery.

Mr. Ching replied that it was not an existing mezzanine. The de minimis floor area proposed to be constructed would not trigger any parking or loading zone requirements.

#### Public Testimony

Chairperson Lee noted that 21 written testimonials were received in support of the project.

Chairperson Lee asked if anyone in the audience wished to testify 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 responded in the affirmative.

Chairperson Lee entertained a motion to adopt the staff's findings of fact and recommendation and approve with the conditions presented in staff's presentation the development permit application KAK 13-157 for Applicant Wei Fang.

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

There was no discussion on the motion.

A roll call vote was conducted.

Ayes: Members Funakoshi, Grune, Kamimura, Lee, Mitsunaga, Tamamoto and Young.

Nays: None

The motion passed 7 to 0 with 2 excused (Member Seki and 1 vacant position).

#### ADJOURNMENT

The public hearing was adjourned at 9:19 a.m.

Attachment: Exhibit A - KAK 13-057 Applicant: Wei Fang

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

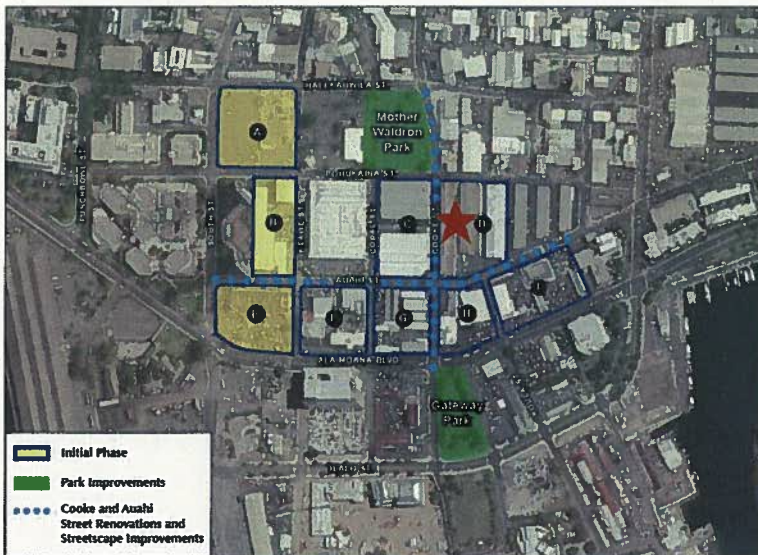
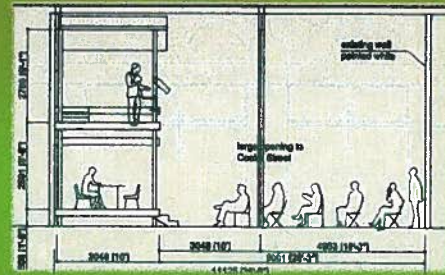
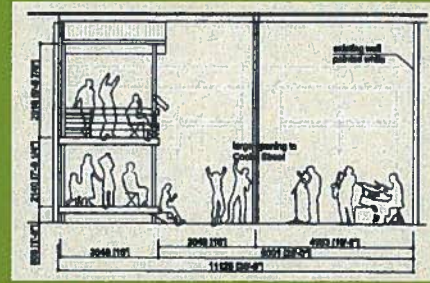
# KAK 13-057

## Applicant: Wei Fang

Interisland Terminal

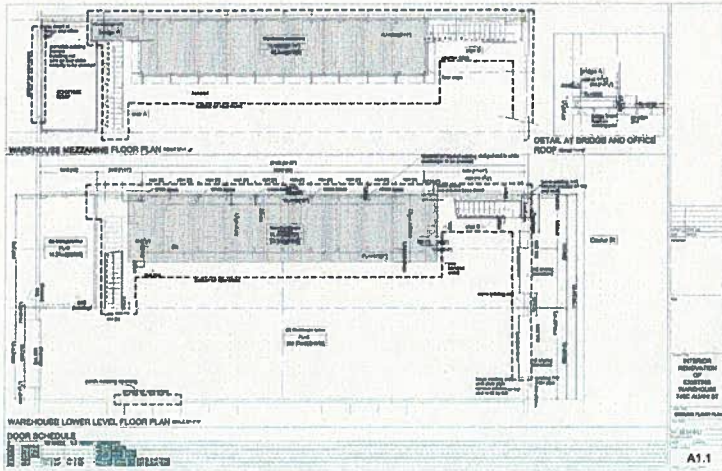
TMK: Portion of 1-2-053:032

441 Cooke Street



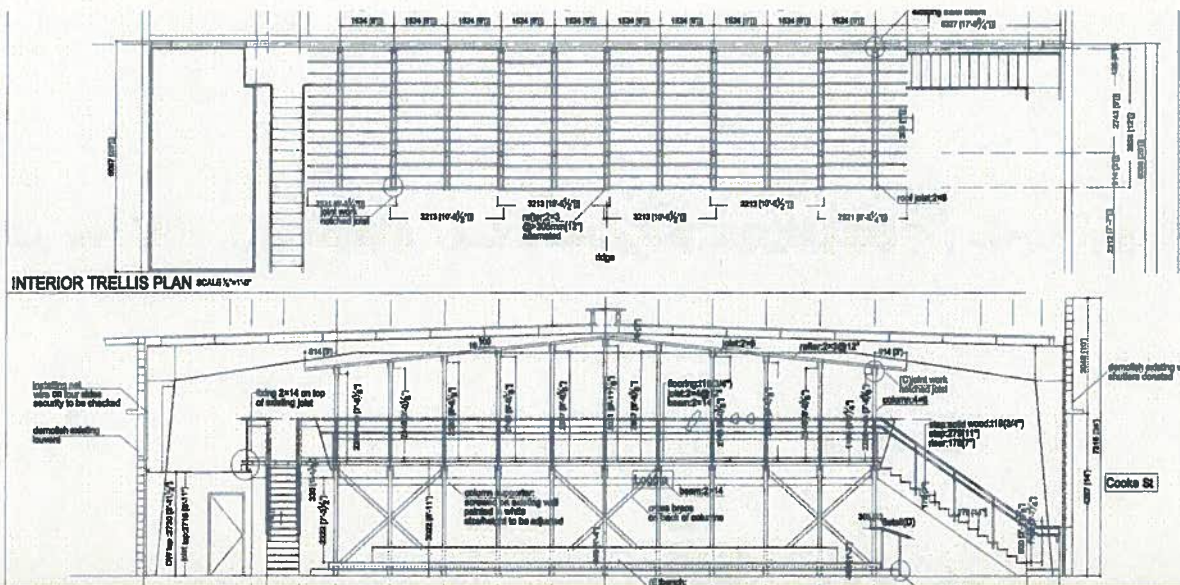
### Project Location:

- 441 Cooke Street
- Block D of the Kamehameha Schools Master Plan.



## Project Summary:

- Existing non-conforming structure.
- The Applicant proposes the construction of a 670 square foot mezzanine within an existing warehouse space. The warehouse space is comprised of 3,116 square feet and is zoned for commercial use.
- Project complies with all applicable provision of Chapter 22, Hawaii Administrative Rules including:
  - Land Use
  - Density
  - Height
  - Off street Parking and Loading



Interior Elevation

## Findings of Fact:

A.	The floor area of the proposed construction does not exceed twenty-five per cent of the floor area of the structure as it legally existed on February 27, 2982, or floor area of the structure at the time of the application for a development permit excluding proposed demolitions, whichever is less.	The total floor area of the existing structures is 88,705 square feet; the proposed 670 square foot mezzanine is .007 % of the floor area. The floor area of the proposed construction does not exceed twenty-five per cent of the floor area of the structure as it legally existed on February 27, 1982.
B.	The proposed construction does not encroach into a required yard.	The proposed mezzanine is located within an existing warehouse and does not encroach into a required yard.
C.	The total floor area of the existing structure and the expansion do not exceed forty-five feet in height.	The existing building height is twenty four feet. The proposed expansion does not exceed forty-five feet in height.
D.	The proposed construction does not adversely affect neighboring properties.	The proposed construction does not appear to adversely affect neighboring properties.
E.	The parking requirements of this chapter are satisfied for the area proposed to be constructed.	The Project requires 81 parking stalls and provides 85 parking stalls at grade, including a nonconforming deficit of 51 parking stalls. The Project is in compliance with off-street parking requirements and the parking requirements of this chapter are satisfied for the area proposed to be constructed.
F.	The area created by the proposed construction will be utilized for a permitted use.	The Project site is zoned as MUZ-Residential under the Vested Rules. The proposed use is Commercial use, which is a permitted use.

## Staff Recommendation based on Finding of Facts:

- A. The Authority adopt staff's Findings of Fact relating to the Base Zone Development Permit application,
- B. Based on the Findings of Fact relating to the Base Zone Development Permit application, approve the Applicant's request for a Base Zone Development Permit with the conditions recommended by staff, and
- C. The Authority approve Base Zone Development Permit No. KAK 13-157 as presented by HCDA staff and provided as Exhibit C.