

**STATE OF HAWAII
HAWAII COMMUNITY DEVELOPMENT AUTHORITY
KAKAAKO BUSINESS MEETING**

Wednesday, September 2, 2020

MINUTES

I. CALL TO ORDER/ROLL CALL

A regular business meeting of the Kakaako Members, Hawaii Community Development Authority (“Authority” or “Board”), a body corporate and a public instrumentality of the State of Hawaii, met virtually (utilizing the state-supported Zoom platform) for a meeting on September 2, 2020.

Board Chairperson, John Whalen, called the meeting to order at 10:00 a.m. and conducted board attendance, as follows:

Members Present: Kevin Sakoda
Chason Ishii
Jason Okuhama
David Rodriguez, DOT Ex-Officio
Daniel Ito
Robert Yu, B&F Ex-Officio
Wei Fang
John Whalen, Chair

Members Absent: Kathy Sokugawa, City DPP (non-voting)
Philip Hasha

HCDA Staff Present: Garrett Kamemoto, Interim Executive Director
Lindsey Doi, Asset Manager
Tommilyn Soares, Secretary to the Executive Director
Francine Murray, HCDA Specialist

Legal Counsel: Lori Sunakoda, Deputy Attorney General
Kelly Suzuka, Deputy Attorney General

A quorum was present.

EXHIBIT 33

Acknowledgement that the Meeting is Being Convened Virtually

Chair Whalen reiterated the wording contained in the Meeting Agenda regarding the state's response to the COVID-19 pandemic, the state's efforts to slow the community spread of the virus and Governor David Y. Ige's issuance of Supplementary Emergency Proclamations which suspended Chapter 92 of the Hawaii Revised Statutes to the extent necessary to enable public boards and commissions to conduct business without holding meetings open to the public.

With regard to the foregoing, Chair Whalen reiterated wording contained in the Meeting Agenda noting that HCDA welcomes public attendance via the Zoom link and HCDA's Facebook Page contained in the meeting agenda, HCDA also welcomes public comment and public participation via submission of written and or verbal testimony (consistent with the social distancing guidelines and Emergency Proclamation directives in effect).

Chair Whalen stated that individuals from the public who have requested to provide testimony are on standby and will be permitted to speak during the public testimony session of the specific agenda item.

I. ACTION ITEMS

1. Shall the Authority Accept a Plan Proposed By Victoria Ward Ltd. to Create a More Pedestrian-Friendly Sidewalk and Building Frontage on Auahi Street as Required Under Condition No. 26 of the Findings of Fact, Conclusions of Law, and Decision and Order for Victoria Place (KAK 19-069) Located Between Auahi Street and Ala Moana Boulevard Immediately West of the Waiea Condominium and Located at TMK (1) 2-3-001:131 and a portion of TMK (1) 2-3-001-130?

Mr. Garett Kamemoto, Interim Executive Director presented the staff report and stated Race Randle of Howard Hughes is present to answer any questions the board may have.

Member Sakoda asked to clarify the width of the sidewalks on both sides of Auahi Street, he recalled a previous discussion of a two lane instead (instead of three lane) street and asked Mr. Randle to comment on those plans of Auahi Street.

Mr. Race Randle of Howard Hughes thanked HCDA and board members for allowing Howard Hughes to participate in today's discussion. Mr. Randle noted that Howard Hughes recently submitted plans for the Auahi Street promenade project to HCDA for review. Those plans consist of narrowing the street approximately one lane on the Mauka side, in order to create a wide pedestrian promenade, similar to the South Shore/Nordstrom Rack pedestrian area where it provides about 15 feet of walkway space. The Auahi street plans submitted to HCDA show a narrowing plan from Queen Lane to Koula Street (Ewa side of Ward).

Chair Whalen asked if the City's Department of Planning and Permitting had an opportunity to review these plans, and if they have, does Mr. Randle feel the City would approve the plans as submitted to HCDA?

Mr. Randle responded that there had been a significant amount of dialog between the City (and Howard Hughes) regarding this plan, where bus stops have been reviewed, bike parking, biki bike share stops, etc. As part of the City's Complete Streets plan, Howard Hughes included a bike lane in this project at the City's request. Mr. Randle added that its his understanding, the plans submitted is following the City's conceptual review.

Member Whalen asked if the City is okay with the proposed material that will be used to embed song lyrics on the sidewalk?

Mr. Randle responded, he hoped to get HCDA board feedback regarding that sidewalk feature. There are a few options (included in today's presentation) on how to integrate the song lyrics into the sidewalk and some have slip coefficient.

Member Fang asked about the design intent and what happens in the transitions at the edges of the sections presented in this project. Is the sidewalk width comparable to the standard (3 foot) width?

Mr. Randle noted they worked with the City on the width and the current plan includes an 8-foot width, which is wider to allow planting on those sides. He added the maintenance of the landscaped area will be provided by either the Victoria Place Project or the Master Association.

Member Fang asked why the taller trees are located on the street side instead of closer to the building, she explained visually it seems to cut off the street making for a narrower walkway.

Mr. Randle responded there have been trees planted relatively near the building of the former Pier 1 area and Howard Hughes found the area did not allow the canopies to grow wide and according to the landscape contractor the trees would have to be cut as it grows toward the building.

Chair Whalen noted the only concern regarding the song lyrics embedded in the sidewalk is the surface material that will be used; he would like to see a non-slip material used for public safety.

Member Sakoda noted that the lyrics will be okay and assumes Howard Hughes has consulted with their cultural advisors to ensure the lyrics are translated accurately.

Mr. Randle acknowledged the comment and noted they will also ensure copyrights to the lyrics are followed properly.

Member Sakoda made a final comment and noted that if the landscaping maintenance ends up in the Master Association, there may be some negative comments about why the Master Association fees are used for landscaping at Victoria Place.

Mr. Randle thanked Mr. Sakoda for his comment and will be sure to take it in to account.

Member Yu asked if the Kakaako sidewalks in this area are maintained by residents and businesses in the area or is the City responsible for maintenance.

Chair Whalen noted that when easements as such are created for public use, the landowner usually agrees to maintain the area.

There were no further comments or questions.

Public Testimony

Chair Whalen noted two written testimonies received in support.

Mr. Kamemoto confirmed there were no request to provide verbal testimony.

MOTION:

Member Yu motioned for the Authority to Accept a Plan Proposed By Victoria Ward Ltd. to Create a More Pedestrian-Friendly Sidewalk and Building Frontage on Auahi Street as Required Under Condition No. 26 of the Findings of Fact, Conclusions of Law, and Decision and Order for Victoria Place (KAK 19-069) Located Between Auahi Street and Ala Moana Boulevard Immediately West of the Waiea Condominium and Located at TMK (1) 2-3-001:131 and a portion of TMK (1) 2-3-001-130.

Member Ishii seconded the motion.

Mr. Kamemoto conducted the roll call vote. Motion passed with 8 votes and 1 excused.

Shall the Authority Authorize the Amendment of Lease No. 17-05 dated June 12, 2018 with 630 Cooke Street Partnership LP for the Nohona Hale Affordable Housing Project to Remove Parcel 8, Identified as Oahu Tax Map Key No. (1) 2-1-051-014 (por.), from the Leased Premises?

Ms. Doi presented the staff report and noted this item will be an amendment to an existing lease that HCDA currently has with Nohona Hale, the affordable rental micro units located on Cooke Street. The sidewalk (included in the current lease) fronting Nohona Hale is included in the remnant road parcel list that the board approved in May 2018 for transfer to the City. The City has notified Bronx Pro Group (Nohona Hale) they (City) are ready to take the ownership of the sidewalk. This is more of an administrative action for the board.

Mr. Kamemoto noted that Marian Gushiken is present to answer questions board members may have.

Chair Whalen commented that the project looks great and thanked Ms. Gushiken for getting that project completed and rented.

Deputy Attorney General Sunakoda noted her understanding of the area in negotiation for transfer to the City and where the building is constructed, is in fact land subject to HCDA's regulatory authority and that HCDA owns the land.

Mr. Kamemoto confirmed HCDA owns that portion of land.

Ms. Sunakoda noted “if there are any legal questions, there are issues that she and Deputy Attorney General Kelly Suzuka can respond to in executive session, if the board would like clarification, but would like to note there are some factual matters that the board needed to be aware of.”

Chair Whalen asked if members had any questions.

Member Sakoda questioned “factual matters” and asked if the board members needed to hear about it in an executive meeting?

Ms. Sunakoda responded, “with respect to the board, it needs to be aware that until the dedication is accepted by the City, the liability, responsibility, lessee liability and property owner liability remains unchanged. So as a practical matter, if there is an event or incident that occurs on the sidewalk, typically you would look to the property owners based on premises liability, in this case the lessee has some responsibility for the area in question.” Member Sakoda thanked Ms. Sunakoda for the comment.

Mr. Kamemoto noted that this area is one of approximately 40 remnant parcels on a transfer list for the City. HCDA does have a maintenance plan for these sidewalks and is looking at expending funds to improve some areas.

Ms. Sunakoda stated, just to clarify, the removal of the subject portion in question from the lease means the lessee will not be responsible for an incident?

Ms. Doi responded that Ms. Sunakoda makes a good point because HCDA would not want to take on that liability. She added that liability currently lies with Bronx Pro Group (Nohona Hale) and at this time today’s action is a pre-emptive approval to help prepare HCDA and Bronx Pro for when the City is ready to execute the transfer. Ms. Doi also added that she will discuss offline with Ms. Gushiken regarding the timeline to ensure there is no gap in liability for the subject portion in question.

Ms. Sunakoda asked Ms. Doi to confirm the board approval and lease amendment will be contingent upon the City’s acceptance of the dedication?

Ms. Gushiken of Bronx Pro Group responded and confirmed everything Ms. Doi described is what Bronx Pro Group understands is correct. The intent is to simply obtain board approval, that Bronx Pro will amend the lease at the appropriate time, and that will be when the City accepts the dedication.

There were no questions and no comments and no public testimony.

MOTION:

Member Okuhama motioned for the Authority to Authorize the Amendment of Lease No. 17-05 dated June 12, 2018 with 630 Cooke Street Partnership LP for the Nohona Hale

Affordable Housing Project to Remove Parcel 8, Identified as Oahu Tax Map Key No. (1) 2-1-051-014 (por.), from the Leased Premises.

Member Sakoda seconded the motion.

Ms. Doi conducted the roll call vote. Motion passed with 8 votes and 1 excused.

VI. ADJOURNMENT

Chair Whalen adjourned the regular meeting at 11:03 a.m.

Approved and Submitted by,

John PWhalen

John Whalen, Chairperson

February 3, 2021

Date Approved by HCDA Board