

DRAFT

SUMMARY - PUBLIC HEARING
HAWAII COMMUNITY DEVELOPMENT AUTHORITY
State of Hawaii
June 10, 2014 – 12:00 p.m.

ATTENDANCE

Members Present: Rodney Funakoshi (DBEDT)
Brian Lee
Lois Mitsunaga
Dean Seki (DAGS)
Brian Tamamoto

Members Absent: Randy Grune
Luis Salaveria
Miles Kamimura

HCDA Staff: Anthony Ching, Executive Director
Craig Iha (Deputy Attorney General)
Lindsey Doi
Shelby Hoota
Chris Sadayasu
Loretta Ho
Holly Hackett (Court Reporter)

For the Applicant Castle & Cooke Homes Hawaii, Inc.
Curtis Tabata
Wyeth Matsubara

For the Applicant Kamehameha Schools
William Meheula
Lee Cranmer

A public hearing of the Kakaako members of the Hawaii Community Development Authority (“Authority” or “HCDA”), a body corporate and public instrumentality of the State of Hawaii, was called to order by Mr. Brian Lee, Chairperson of the Authority at 1:55 p.m. on Tuesday, June 10, 2014, at the Authority’s principal offices at 461 Cooke Street, Honolulu, Hawaii 96813.

DEVELOPMENT PERMIT APPLICATION KAK 14-012: Castle & Cooke Homes Hawaii, Inc. and Kamehameha Schools

Chairperson Lee stated that the public hearing was being held under the provisions of §206E-5.6, Hawaii Revised Statutes, Hawaii Administrative Rules (“HAR”) Chapter 219 of Title 15, and vested HAR Chapter 22 of Title 15, to render a decision on the development

permit application KAK 14-012 (“Application”) dated February 20, 2014. The project falls under the Kamehameha Schools Kaialua ‘O Kakaako Master Plan Permit No. PL MASP 13.2.8, which was approved by the HCDA on September 2, 2009.

The Applicants are Castle & Cooke Homes Hawaii, Inc. (“CCHHI”) and Kamehameha Schools (“KS”). The Tax Map Key is (1)2-1-054: 025, 027, 028, and 032, and the project location is 400 and 440 Keawe Street. The request is for a joint development permit for two separate mixed-use, residential, commercial/retail development projects simultaneously developed on a development lot.

Notice of the public hearings was published on March 22, 2014, in the Honolulu Star Advertiser. The notice was made available for public review at the office of the 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 327 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.

The initial public hearing where the Applicants presented its proposed development occurred on April 20, 2014.

In addition, the Authority’s hearing officer conducted supplemental public comment sessions on Saturday, May 17, 2014 at 10:00 am and Tuesday, May 20, 2014 at 5:30 pm. All testimony given at these supplemental public comment sessions were recorded by a Court Reporter and forwarded to the Authority for their review and placed into the record.

Chairperson Lee again noted the following changes to the Authority’s review of development permit applications, as stated at the initial public hearing on April 30, 2014.

1. To clarify opportunities for the public to participate in our proceedings and in accordance with our Rules of Practice and Procedure, the notice of hearing that was published in the Honolulu Star Advertiser stated that parties wishing to intervene in this proceeding had until April 4, 2014 to file motions to intervene.
2. At an earlier meeting on April 30, 2014, the Kakaako Authority met and considered the motion to intervene that was timely filed with the Authority. At the meeting, it was noted that the single motion to intervene was withdrawn.
3. To further clarify that development permit application proceedings pursuant to Section 206E-5.6 HRS are in fact contested case proceedings, where separate public hearings are required to be conducted to “determine the rights, duties, or privileges of specific parties”, the Authority, after establishing the parties and the standing of any interveners, will provide “due process” in the manner in which the development permit application is reviewed by the Authority.

4. Accordingly, at the initial public hearing, a record was compiled, witnesses were sworn in and examined by the parties, and the applicant had the burden of proof in presenting its case for the development permit application.
5. Given the specification contained in Section 206E-5.6, public testimony will continue to be solicited and will be included in the record of this proceeding.
6. At the conclusion of its deliberations, the Authority will issue its findings of fact, conclusions of law and decision and order, approving the development permit application, approving with conditions or denying the application.

CLOSING ARGUMENTS

Wyeth Matsubara asked that the HCDA accept the new exhibits (37-38) that were entered, even though they are not necessary for the development permit application. Mr. Matsubara explained the Castle & Cooke portions of the project on Kamehameha Schools Land Block B. He says that two key goals drove the Block B project: to provide visual relief to the number of high rises in the area, and to extend retail space and activate pedestrian activity at the street level. Although a 400-foot tall tower is allowed by rule, KS believed that a shorter tower would be a better fit. Developers also wanted to make use of the rail station nearby and increase connectivity.

All requirements for reserved housing would be satisfied within this development with over 100 units of reserved housing. Open spaces will be open to the general public. The applicant is requesting one modification to increase platform height from 45 to 65 feet. The applicant believes its project design will reduce the building's footprint and create an aesthetically and practically superior design while maintaining density. Mr. Matsubara says no views from neighboring towers, including One Waterfront Tower, are impacted. He says the setback was increased voluntarily to minimize impacts.

Member Tamamoto asked what would happen if the proposed modification was not granted.

Mr. Matsubara replied that there wouldn't be as much space on the ground level for pedestrians to enjoy. He says you need a large opened up area, which is only accomplished by having a thinner building and smaller footprint.

William Meheula, counsel for Kamehameha Schools, offered no additional comments. No members had any additional questions.

STAFF REPORT

Executive Director Anthony Ching summarized the report in the packet distributed to Members. Mr. Ching offered 143 findings of fact, 16 conclusions of law, and 21 conditions. Mr. Ching made corrections to FOF 47, FOF 92. The staff report and Decision and Order is available for viewing, should further details be desired.

Member Tamamoto requested additional clarification for one finding of fact, and Mr. Ching obliged.

Mr. Ching recommended approving the development permit, provided the listed 21 conditions are met.

Member Tamamoto asked whether SHPD requirements were met for the application and Mr. Ching replied that SHPD determined that the application was complete.

There were no additional questions from Members on the staff report.

PUBLIC TESTIMONY AND COMMENT

Chairperson Lee noted that written testimony was received from 4 people since the initial public hearing was conducted on April 30, 2014. Two people were in opposition, one person was in support, and one person offered comments only. Chairperson Lee then opened the floor to members of the public who wished to provide additional oral testimony.

No one pre-registered to testify at the hearing, and no members of the public came up to give testimony.

DECISION MAKING

Chairperson Lee asked Members if they had received and reviewed the record for this application and were prepared to deliberate on the application. All members responded in the affirmative.

Chairperson Lee entertained a motion for the Authority to Adopt as its own the staff's recommended Findings of Fact, Conclusions of Law, and Decision & Order and Approve with the Conditions as discussed and presented today for development permit application KAK 14-012 for Applicants Castle & Cooke Homes Hawaii, Inc. and Kamehameha Schools, (1)2-1-054:025, 027, 028 and 032, located at 400 and 440 Keawe Street.

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

A roll call vote was conducted.

Ayes: Members Tamamoto, Funakoshi, Lee, Mitsunaga, and Seki.

Nays: None.

The motion passed 5 to 0 with 4 excused (Members Kamimura, Salaveria Grune and 1 vacant position).

Chairperson Lee stated that if the Findings of fact, Conclusions of Law and Decision and Order are adverse to the Applicant, the parties can file exceptions to the Authority's findings of fact, conclusions of law, and decision and order. The deadline for filing exceptions is June 23, 2014. If exceptions are filed, the Authority will meet on July 9, 2014 to take its final action and formally adopt the decision and order.

Both parties indicated they wished to waive their right to file further comments and written exceptions to today's decision.

ADJOURNMENT

The public hearing was adjourned at 2:59 p.m.

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