

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

STATE OF HAWAII

In re:)
)
 The Application of)
)
 VICTORIA WARD, LIMITED,)
 a wholly owned subsidiary)
 of HOWARD HUGHES)
 CORPORATION,)
)
 Applicant,)
)
 To request a development)
 permit, Permit Number)
 KAK 18-038, with)
 modifications, to develop)
 a mixed-use project at)
 1020 Auahi Street,)
 TMK Nos. (1)2-3-002: 109,)
 110 (portion), aka)
 "Ko'ula Project.")
 _____)

DECISION-MAKING HEARING

TRANSCRIPT OF PROCEEDINGS

Thursday, August 9, 2018

Taken at 547 Queen Street, Second Floor

Honolulu, Hawaii 96813

commencing at 10:05 a.m.

Reported by: LAURA SAVO, CSR No. 347

A P P E A R A N C E S

John Whalen, Chairperson

Mary Pat Waterhouse, Vice Chairperson

Aedward Los Baños, Executive Director

Deepak Neupane, Director of Planning and Development

Max Levins, Deputy Attorney General

BOARD MEMBERS:

Mark Anderson

Beau Bassett

Wei Fang

Phillip Hasha

Jason Okuhama

David Rodriguez

ALSO PRESENT:

For the Applicant Victoria Ward, Limited:

J. DOUGLAS ING, ESQ.

BRIAN A. KANG, ESQ.

Watanabe Ing LLP

999 Bishop Street, 23rd Floor

Honolulu, Hawaii 96813

For the Intervenor HART:

LINDSAY E. ORMAN, ESQ.

Starns O'Toole Marcus & Fisher

733 Bishop Street, Suite 1900

Honolulu, Hawaii 96813

I N D E X

PAGE

Call to Order

5

Executive Session

8

Adjournment

11

PUBLIC TESTIMONY BY:

(None offered.)

1 Thursday, August 9, 2018, 10:05 a.m.

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3 CHAIR WHALEN: I'd like to call to order
4 the August 9th, 2018, public hearing of the Hawaii
5 Community Development Authority. The time is now
6 10:02 a.m. (sic). Thank you for your attendance
7 today. My name's John Whalen, chair of the
8 Authority.

9 Let the record reflect that the following
10 Kaka'ako members are present: Phillip Hasha, Mark
11 Anderson, David Rodriguez, Wei Fang, Jason Okuhama,
12 Mary Pat Waterhouse and John Whalen.

13 So I'd like to acknowledge that the
14 counsel for the applicant and the counsel for the
15 intervenor, Hawaii Authority for Rapid Transit --
16 Transportation, appeared. Both have appeared.

17 MR. ING: Douglas Ing and Brian Kang
18 appearing for Victoria Ward, Limited, and Howard
19 Hughes Corporation. Thank you.

20 CHAIR WHALEN: Okay. Thank you.

21 MS. ORMAN: Lindsay Orman on behalf of
22 HART.

23 CHAIR WHALEN: Okay. Thank you.

24 Okay. This is a continuation of the
25 decision-making hearing of August 1st on Development

1 Permit No. KAK 18-038 held in accordance with Hawaii
2 Revised Statutes, Section 206E-5.6, Administrative
3 Rules, Chapter 15-219, and the Vested Administrative
4 Rules, Chapter 15-22.

5 Since it's a continuation, I think we can
6 proceed more quickly without all of this
7 introduction. But I note for the record that HART
8 has also made some filing. Is there anything that
9 you wish to add to that filing?

10 MS. ORMAN: Nothing further beyond our
11 filing unless you have any questions.

12 CHAIR WHALEN: As far as the applicant,
13 is there anything that you wish to add at this point
14 in response to HART's filing?

15 MR. KANG: Yes, briefly, Mr. Chairman.
16 The essence of HART's latest filing is that HART
17 requested that finding of fact No. 174 be amended to
18 read that "the project is near the central business
19 district, the proposed transit station and existing
20 transportation options, creating the opportunity to
21 reduce reliance on the automobile." And our position
22 is that the record most accurately reflects a finding
23 which would read to change the wording from
24 "proposed" to "planned" so that it reads that "the
25 planned transit station" instead of "proposed transit

1 station." Thank you.

2 CHAIR WHALEN: Okay. Thank you.

3 Is there any public testimony on the
4 filings by HART?

5 Okay. I think then we can move to
6 deliberations -- deliberations and decision-making.
7 Members, please indicate yes or no to signify that
8 you have received and reviewed the record for the
9 application and are prepared to deliberate on the
10 application.

11 I think we did that at our previous
12 decision-making hearing. So the only member who
13 wasn't present then was Mark Anderson. Have you --
14 have you reviewed the record?

15 MEMBER ANDERSON: Yes.

16 CHAIR WHALEN: Okay. Thank you.

17 So we are ready to entertain a motion to
18 enter into executive session pursuant to Hawaii
19 Revised Statutes 92-5(a)(4) for the purpose of
20 deliberation. Is there a motion to that effect?

21 MEMBER HASHA: I'll make a motion.

22 CHAIR WHALEN: Phillip Hasha moves.
23 Second?

24 MEMBER OKUHAMA: Seconded.

25 CHAIR WHALEN: Jason Okuhama seconds.

1 All those in favor, say "aye."

2 (Board members voted.)

3 CHAIR WHALEN: Any opposed?

4 Okay. We'll reconvene this meeting after
5 the executive session. At that point -- okay. At
6 that point, a motion related to making a decision may
7 be made. If the order is not adopted,
8 decision-making will be continued. The Authority is
9 aware that a decision must be made on or before
10 October 8th, 2018, or the application will be deemed
11 approved as a matter of law. If the order is
12 adopted, that will conclude these proceedings.

13 So we will reconvene here.

14 MR. NEUPANE: Yeah, you can reconvene
15 here.

16 CHAIR WHALEN: Convene here? Oh, we can
17 go to the 4th -- 5th floor. We'll reconvene on the
18 5th floor. I'd ask that the attorney general --
19 deputy attorney general, Max Levins, be present and
20 also the executive director, Deepak Neupane and --

21 MR. NEUPANE: The executive director is
22 Aedward now.

23 CHAIR WHALEN: Oh, no, no. Yeah, I
24 didn't name Aedward. I do know that Aedward is the
25 executive director.

1 MR. NEUPANE: I got a promotion. So I
2 wanted to make the record clear.

3 CHAIR WHALEN: Tommilyn is not present;
4 right? Okay. So I guess it would be --

5 EXECUTIVE DIRECTOR: Ku'ulei.

6 CHAIR WHALEN: -- Ku'ulei Moses. Okay.
7 I guess those are the only ones that need to be
8 present, right, for staff?

9 EXECUTIVE DIRECTOR: Chair, if I -- for
10 continuity purposes, if Garrett Kamemoto, who has
11 presided over the last executive session, was
12 present, that would also be helpful.

13 CHAIR WHALEN: That's right. He was in
14 the August 1st executive session. He's not here, is
15 he? Oh, there he is. Okay. How about Sery? No,
16 no? Okay.

17 All right. So we'll convene, and we'll
18 regather in the 5th floor conference room and come
19 back to this room for decision-making. Thank you.

20 (Board members convened in executive
21 session from 10:12 a.m. until 11:54 a.m.)

22 CHAIR WHALEN: Okay. The hearing's
23 resumed at 11:54 a.m.

24 After reviewing the record, which
25 includes HCDA staff recommendation, applicant's

1 evidence and arguments and intervenor's evidence and
2 arguments and also having considered public
3 testimony, the Authority has prepared a final
4 findings of fact, conclusions of law and decision and
5 order.

6 Is there a motion for the Authority to
7 adopt final findings of fact, conclusions of law and
8 decision and order before it for development permit
9 application KAK 18-083 for Applicant Victoria Ward,
10 Limited, for the project located at 1020 Auahi
11 Street, tax map key 2-3-002, parcels 109 and portion
12 of 110? Is there a motion?

13 MEMBER ANDERSON: So move.

14 CHAIR WHALEN: Okay.

15 MEMBER HASHA: I'll second.

16 CHAIR WHALEN: Mark Anderson moves.

17 Second? Okay. Phillip Hasha seconds.

18 Members, is there any further discussion
19 on the motion?

20 Since there's no further discussion, I'll
21 ask Deepak Neupane to call the roll call vote.

22 MR. NEUPANE: Members, the motion has
23 been made to adopt the findings of facts, conclusions
24 of law and decision and order with conditions 1
25 through 38.

1 On the motion, Member Anderson?

2 MEMBER ANDERSON: Yes.

3 MR. NEUPANE: Member Hasha?

4 MEMBER HASHA: Yes.

5 MR. NEUPANE: Member Rodriguez?

6 MEMBER RODRIGUEZ: Yes.

7 MR. NEUPANE: Member Fang?

8 MEMBER FANG: Yes.

9 MR. NEUPANE: Member Okuhama?

10 MEMBER OKUHAMA: Yes.

11 MR. NEUPANE: Member Waterhouse?

12 VICE CHAIR WATERHOUSE: Yes.

13 MR. NEUPANE: Member Bassett?

14 MEMBER BASSETT: Yes.

15 MR. NEUPANE: Chair Whalen?

16 CHAIR WHALEN: Yes.

17 MR. NEUPANE: The motion passes with
18 eight ayes and one excused.

19 CHAIR WHALEN: So I'd just like to note
20 that the applicant may appeal the Authority's final
21 decision pursuant to Hawaii Revised Statutes, Section
22 206E-5.6(h), but that does conclude our hearing --
23 decision-making hearing.

24 MR. KANG: Mr. Chairman.

25 CHAIR WHALEN: Yes.

1 MR. KANG: If I may make a statement or a
2 request --

3 CHAIR WHALEN: Yes.

4 MR. KANG: -- before you adjourn?

5 CHAIR WHALEN: Okay.

6 MR. KANG: Victoria Ward -- I realize the
7 HCDA has indicated that it is a final decision and
8 order; however, VWL does believe it may file
9 exceptions, and if it decides to file exceptions to
10 the D&O, Victoria Ward requests that it have until
11 the close of business next week, Friday, August 17th,
12 2018, to do so.

13 CHAIR WHALEN: Okay. Yes. That's
14 granted, that request.

15 MR. KANG: Thank you.

16 CHAIR WHALEN: So on behalf of HCDA's
17 Authority members and its staff, thank you for your
18 attendance. The public hearing is now closed. The
19 time is now 11:57 a.m.

20 (Hearing adjourned at 11:57 a.m.)

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C E R T I F I C A T E

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

I, LAURA SAVO, a Certified Shorthand Reporter in and for the State of Hawaii, do hereby certify:

That the foregoing proceedings were taken down by me in machine shorthand at the time and place herein stated, and was thereafter reduced to typewriting under my supervision;

That the foregoing is a full, true and correct transcript of said proceedings;

I further certify that I am not of counsel or attorney for any of the parties to this case, nor in any way interested in the outcome hereof, and that I am not related to any of the parties hereto.

Dated this 12th day of August 2018 in Honolulu, Hawaii.

s/s Laura Savo
LAURA SAVO, RPR, CSR NO. 347