

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 19-069, to develop)
 a mixed-use project, aka)
 "Victoria Place," at 1100)
 Ala Moana Boulevard,)
 TMK No. (1)2-3-001: 130)
 (portion) and 131.)
 _____)

DECISION-MAKING HEARING

TRANSCRIPT OF PROCEEDINGS

Wednesday, October 2, 2019

Taken at 547 Queen Street, Second Floor

Honolulu, Hawaii 96813

commencing at 1:06 p.m.

Reported by: IRENE NAKAMURA, CSR No. 496

LAURA SAVO, CSR No. 347

A P P E A R A N C E S

John Whalen, Chairperson

Garett Kamemoto, Interim Director of Planning and
Development

Max Levins, Deputy Attorney General

BOARD MEMBERS:

Wei Fang

Phillip Hasha

Chason Ishii

Jason Okuhama

David Rodriguez

Kevin Sakoda

ALSO PRESENT:

For the Applicant:

J. DOUGLAS ING, ESQ.

BRIAN A. KANG, ESQ.

Watanabe Ing LLP

999 Bishop Street, 23rd Floor

Honolulu, Hawaii 96813

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1 Wednesday, October 2, 2019, 1:06 p.m.

2 -o0o-

3 CHAIR WHALEN: I would like to call to
4 order the October 2nd, 2019, public hearing of the
5 Hawaii Community Development Authority. The time is
6 now 1:06 p.m. Thank you for your attendance today.

7 My name is John Whalen, Chair of the
8 Authority. Let the record reflect that the following
9 Kalaeloa members are present: Philip Hasha, David
10 Rodriguez --

11 MEMBER RODRIGUEZ: Here.

12 CHAIR WHALEN: Oh, I'm sorry. Kaka'ako
13 members. I'm sorry. I misspoke.

14 -- Wei Fang, Jason Okuhama, Kevin Sakoda,
15 Chason Ishii.

16 MEMBER FANG: He's down there, or he was.

17 CHAIR WHALEN: And John Whalen. Anyway,
18 we have a quorum.

19 So counsel for the applicant make their
20 appearance.

21 MR. KANG: Good afternoon, Mr. Chairman
22 and Members of the Board. Brian Kang and Douglas Ing
23 appearing on behalf of Applicant Victoria Ward,
24 Limited, and Howard Hughes.

25 CHAIR WHALEN: So good afternoon.

1 Today's hearing on Development Permit No. KAK 19-069
2 is being held in accordance with Hawaii Revised
3 Statute, Section 206E-5.6, Hawaii Administrative
4 Rules 15-291, and the vested Hawaii Administrative
5 Rules, Chapter 15-22.

6 The nature of today's public hearing is
7 to allow the applicant to present the proposed
8 project and to provide the general public the
9 opportunity to present oral and written testimony.
10 The applicant is Victoria Ward, Limited, a wholly
11 owned subsidiary of Howard Hughes Corporation. Tax
12 map keys affected are 2-3-001, parcel 131 and a
13 portion of 130. Project location is 1100 Ala Moana
14 Boulevard.

15 The request is for a development permit
16 application for a mixed-use project --

17 MR. KAMEMOTO: I'm sorry, Chair. There's
18 a -- I repeated a typo. It shouldn't say "mixed
19 use." It should say "residential project."

20 CHAIR WHALEN: Yes, it is. Residential
21 project consisting of essential --

22 And so there would be no commercial
23 component?

24 MR. KAMEMOTO: Yeah.

25 CHAIR WHALEN: -- residential component

1 at 1100 Ala Moana Boulevard, TMK 2-3-002, parcel 131
2 and a portion of 130.

3 The proposed project consists of a
4 400-foot tower and a 45-foot podium and will house a
5 mix of approximately 350 residential units and
6 required parking spaces. The project will provide
7 approximately 15,590 square feet of open space and
8 84,105 square feet of recreational space. The
9 applicant is proposing to provide at least 44
10 reserved housing units to be located offsite at Land
11 Block F to satisfy the reserved housing requirements.

12 No modifications are requested, and the
13 application date was July 15th, 2019.

14 A public hearing notice was published in
15 the Honolulu Star-Advertiser, Maui News, The Garden
16 Isle, Hawaii Tribune-Herald on Tuesday, July 23rd,
17 2019. An amended public hearing notice was
18 published in the Honolulu Star-Advertiser, Maui News,
19 The Garden Isle, Hawaii Tribune-Herald and West
20 Hawaii Today on Tuesday, July 30th, 2019. A public
21 hearing on the permit was held on September 4th,
22 2019.

23 This is a decisionmaking hearing, and let
24 me briefly explain our procedures for today's
25 hearing. Authority members have received HCDA's

1 staff report detailing communication from government
2 agencies and public testimony received after the
3 September public hearing. HCDA's staff proposed
4 findings of facts, conclusion of law, and the
5 decision and order, and the applicant's proposed
6 finding of facts, conclusions of law and decision and
7 order.

8 So I will ask first for staff to present
9 its report. Then the applicant, Victoria Ward,
10 Limited, will be afforded 15 minutes to present their
11 closing arguments and present any additional facts
12 not already included in its proposed findings of
13 facts, conclusions of law, and decision and order.

14 Only members of the Authority and the
15 interim director of planning and development, who is
16 presenting for the executive director for the purpose
17 of today's hearing, will be permitted to ask
18 questions of the staff, applicant, intervenor or
19 individuals providing testimony.

20 Finally, we will hear testimony from the
21 public. I will be acting as the presiding officer of
22 this hearing.

23 Are there any questions as to our
24 procedures?

25 (No audible response.)

1 CHAIR WHALEN: So we will now begin our
2 proceedings. First, Interim Director of Planning and
3 Development Garrett Kamemoto will present the HCDA
4 staff report.

5 MR. KAMEMOTO: So, Members, the staff
6 report is really brief. It just denotes that we got
7 one additional government agency communication since
8 the last meeting, and that's included -- and then
9 also public testimony that we received after the last
10 hearing. And those are contained in the staff report
11 as Exhibits M and N.

12 CHAIR WHALEN: Are there any other
13 exhibits besides that that you wanted admitted into
14 the record?

15 MR. KAMEMOTO: No.

16 CHAIR WHALEN: Okay. Members, do you
17 have any objections to the exhibits being offered by
18 the interim planning director? Does the applicant
19 have any objections to the exhibits being offered by
20 the interim planning director?

21 MR. KANG: No objections.

22 CHAIR WHALEN: Okay. Hearing no
23 objections, HCDA Exhibits M and N are admitted to the
24 record as HCDA staff exhibits.

25 (HCDA Staff Exhibits M and N are

1 marked for identification and
2 admitted into evidence.)

3 CHAIR WHALEN: HCDA staff will now
4 present its proposed findings of facts, conclusions
5 of law, and decision and order.

6 MR. KANG: Okay. So you do have the
7 staff proposed findings of facts summarized because a
8 lot of it is -- is detailed.

9 So the first set of findings of fact 1
10 through 30 just describe the procedural history of
11 these -- of this application. 31 to 33 talk about
12 orders previously issued by the Authority, and 34 to
13 62 are -- is an overview of the Ward Village Master
14 Plan and progress on the master plan thus far. 63 to
15 70 is an overview of this project, and 71 to 114
16 discusses project compliance with the Mauka Area
17 Rules. 115 to 149 are evaluation of the Hawaii
18 Revised Statutes 206E-5.6 considerations. 150 to 154
19 talk about cultural and historic preservation. 155
20 to 168 are traffic DOT comments, and 169 to 185
21 infrastructure, and then 186 and -87 relate to the
22 pedestrian environment, and 188-89 relate to the Ward
23 Neighborhood Commons, which we've referred to as the
24 Central Plaza.

25 In regard to the conclusions of law,

1 they're mostly procedural in nature and talk about
2 applicable rules and zoning compliance with the
3 vested rules. In this case, they're the 2005 Mauka
4 Area Rules.

5 I'll briefly go over the decision and --
6 or the decision and order part of it.

7 No. 1 would require Victoria Ward to
8 withdraw its permit for Gateway Tower, should this
9 order be adopted, because the two projects would be
10 on the same site.

11 No. 2 requires 108 reserved housing
12 units. It requires Victoria Ward to tell us on what
13 block the units would be built within the year. The
14 reason we haven't specified Block F is because there
15 may be complications that come up later if the
16 land -- if there's something discovered there that
17 might make a certain block unsuitable for a project.
18 You know, we don't want a thing where they can't
19 physically build something. But what we've told them
20 to do is to do that investigation and then give us by
21 a year -- in a year's time, give us exactly where
22 that's going to be built. So that's the reason for
23 that.

24 Let's see. No. 3, the Mauka Area Rules
25 dictate the construction of reserved units must

1 commence within two years of the completion of a
2 project and allows the executive director to grant
3 exemptions if the developer can demonstrate the
4 building of reserved housing units will be satisfied
5 without commencing construction in two years. This
6 condition, we have limited the executive director to
7 three extensions.

8 No. 5 is -- there's one more lot on the
9 same land block as Victoria Place that's slated for
10 development -- that is slated for development. So
11 this condition states that even if they get a
12 development permit for this lot, they can't get a
13 foundation permit from us unless they have commenced
14 construction of the reserved housing units.

15 Number -- let's see. No. 7, we won't
16 approve a foundation permit for this project unless
17 they produce a bond or set-aside letter or other
18 financial instrument that shows us there are funds
19 for the required reserved units.

20 No. 8, we are requiring a parking program
21 that includes shared parking analysis and may include
22 unbund- -- bundling of parking. The shared parking
23 analysis is consistent with what the city requires.

24 No. 9 is -- makes them address comments
25 and recommendations by government agencies that

1 receive -- that are not part of -- and are part of
2 the record.

3 No. 10, they will provide an 8-foot
4 widening setback for Ala Moana Boulevard. This is as
5 opposed to the earlier 6-foot setback, and this is in
6 response to DOT's concerns.

7 No. 15 requires the design and
8 construction schedule for improvement of Auahi Street
9 and the realignment to provide a connection to
10 Pohukaina Street.

11 Skipping down to 26, it requires Victoria
12 Ward to give us a plan to activate the sidewalk
13 fronting the project and to provide shade.

14 Condition 32 requires them to complete
15 the construction of the makai area of the Central
16 Plaza on this land block before we sign off on the
17 certificate of occupancy. So no one can move in
18 until that portion of the Central Plaza is completed.

19 And that summarizes the findings of fact,
20 conclusions of law and decision and order.

21 CHAIR WHALEN: So Members -- thank you.

22 Members, do you have any questions on
23 HCDA's proposed findings of facts, conclusions of
24 law, and decision and order?

25 MEMBER SAKODA: I have a question. So

1 just for clarification, Item 26, Garrett, you know,
2 there's been a lot of, I guess, public inquiry about
3 the Auahi Street promenade, how it looks, what's it
4 going to look like, and in reading these things, it's
5 kind of vague in terms of what exactly we're talking
6 about. The narrowing of Auahi Street, is that what
7 you're talking about here?

8 MR. KAMEMOTO: This is the sidewalk
9 fronting the project.

10 MEMBER SAKODA: Right.

11 MR. KAMEMOTO: Yeah.

12 MEMBER SAKODA: But that's on Auahi
13 Street.

14 MR. KAMEMOTO: Along Auahi Street.

15 MEMBER SAKODA: Right. And the plans
16 talked about taking it from four lanes down to two,
17 widening the sidewalk.

18 MR. KAMEMOTO: I believe that that's the
19 ultimate plan, but that also has to be done in
20 coordination with the city, as well.

21 MEMBER SAKODA: Yes.

22 MR. KAMEMOTO: And so it's difficult to
23 address it --

24 MEMBER SAKODA: So that's not what this
25 is --

1 MR. KAMEMOTO: That's not what it's
2 referring to --

3 MEMBER SAKODA: Okay.

4 MR. KAMEMOTO: -- specifically.

5 MEMBER SAKODA: Gotcha. Okay.

6 MR. KAMEMOTO: But -- but we wanted to
7 make sure that it wasn't just the sidewalk going down
8 the street. We wanted to make sure that it was a
9 more inviting area with shade.

10 MEMBER SAKODA: Okay.

11 MR. KAMEMOTO: You know, because if --
12 if their -- what they discussed during their --
13 during the last public hearing was that it was still
14 an active street because people would use it as they
15 walk down and go to the park, but we want to make
16 sure that -- that since there's not a commercial
17 component, that it continues that sort of field down
18 to that park.

19 MEMBER SAKODA: Okay. I just wanted to
20 make that clear. Thank you.

21 CHAIR WHALEN: And does the activation
22 also include the treatment of a facade; in other
23 words, to make it interactive, more interactive with
24 the environment?

25 MR. KAMEMOTO: I think that's what we

1 want them to show us; that this is going to be
2 someplace that's going to be desirable for people to
3 walk down, and that's why the condition exists.

4 CHAIR WHALEN: Okay. Any other
5 questions?

6 (No audible response.)

7 CHAIR WHALEN: Does counsel have any
8 questions? Does the counsel for the applicant have
9 any additional exhibits?

10 MR. KANG: Yes, Chair Whalen. We do have
11 an additional exhibit as a housekeeping matter.

12 CHAIR WHALEN: Okay.

13 MR. KANG: As the board recalls, to get a
14 little background, there was some discussion during
15 the presentation hearing about the city's Office of
16 Climate Change comment letter and how that office had
17 requested that we take a look at the ClimateViewer
18 and analyze that in terms of the ClimateViewer, and
19 Wilson Okamoto, pursuant to the testimony, did do
20 that and communicated it back to the Office of
21 Climate Change. We've indicated that there are no
22 further issues with respect to that.

23 We understood from staff, however,
24 that -- or a suggestion that perhaps since the
25 ClimateViewer data was referenced, that we should

1 consider submitting that as an additional exhibit.
2 So with that, I do have additional exhibit --
3 Applicant Exhibit BB, double B as in boy. I do have
4 it here. Unfortunately, we weren't able to get it to
5 you earlier. So with your permission, I'd like to
6 provide this to staff with distribution to the board
7 and have that admitted.

8 CHAIR WHALEN: Okay. Members, do you
9 have any objections to this exhibit being offered?

10 (No audible response.)

11 CHAIR WHALEN: Does applicant have any
12 objections?

13 MR. KAMEMOTO: No.

14 CHAIR WHALEN: Hearing no objections, the
15 applicant, Victoria Ward, Limited, Exhibit BB dash --
16 just BB -- Exhibit BB is admitted to the record as
17 the applicant's exhibit.

18 (Applicant's Exhibit BB was
19 marked for identification and
20 admitted into evidence.)

21 CHAIR WHALEN: Okay. Mr. Kang, you have
22 15 minutes.

23 MR. KANG: All right. Thank you very
24 much, Chair Whalen.

25 First of all, on behalf of Victoria Ward

1 and Howard Hughes, thank you very much for the
2 opportunity to present our application. We do
3 understand this process takes quite a fair amount of
4 time and diligence. So we very much appreciate the
5 opportunity to present the application for your work
6 on this.

7 First off, I did want to address Member
8 Sakoda's question regarding the Auahi Street just to
9 point out that the staff proposed D&O condition
10 No. 15 does indicate that no later than 180 days from
11 the date of the foundation permit for the project,
12 VWL or Victoria Ward is to submit a review to the
13 HCDA, a final design and construction schedule for
14 improvement of Auahi Street, including the
15 realignment to provide a direct connection to
16 Pohukaina Street. So that condition is in the staff
17 decision and order.

18 With that, just to recap, Victoria Ward
19 did submit its proposed decision and order in this
20 matter. As staff indicated, it did also provide its
21 proposed decision and order that made a number of
22 revisions to our proposed decision and order,
23 including adding a number of conditions to that
24 relating, for example, to Auahi Street, the reserved
25 housing and a few other matters.

1 After reviewing and considering the staff
2 decision and order, including the additional
3 conditions, Victoria Ward decided not to file any
4 exceptions and has no objections to the Authority
5 adopting the staff proposed decision and order today
6 as its own proposed decision and order.

7 For purposes of the record, if there are
8 any revisions or changes from the proposed staff
9 decision and order, and the HCDA issues its proposed
10 decision and order that is different, obviously,
11 Victoria Ward reserves the right to file any
12 objections or comments to that decision and order.
13 Thank you.

14 CHAIR WHALEN: Members, do you have any
15 questions on his closing argument?

16 (No audible response.)

17 CHAIR WHALEN: Okay. Then we can proceed
18 to public testimony. We have three people signed up.
19 We did receive a couple of additional testimonies in
20 writing or, actually, via E-mail. We received
21 testimony from Samantha Esser (phonetic) -- or, I'm
22 sorry -- the testimony from Michael Formby, Gail
23 Yoshioka, Klaus Radtke, Douglas Valenta. It would be
24 those two people who also have signed up to speak.
25 Louise Stevens, Kathy Dean, Mary Pat Waterhouse. So

1 I'll call up people who have registered to speak.

2 Klaus Radtke?

3 MR. RADTKE: My name is Klaus Radtke. I
4 am the former president of Nauru Tower in Kaka'ako.
5 About four or five years ago, the former president of
6 Nauru Tower and I were invited by Howard Hughes to
7 see the new development. We were kind of impressed
8 by the layout, by the beautiful design, by the open
9 space. We were informed that it would be a
10 community-enhancing development and the HCDA -- and
11 that it would not be a second Waikiki.

12 Now we are looking around, and I don't
13 think all the -- all the promises have been kept.
14 And we have to look at the proposed development
15 today, and I think we have to protect a little bit to
16 make sure that Howard Hughes keeps all the promises
17 of open space, of all of the community-enhancing
18 proposals ahead to make sure that we are going
19 forward with what was on the brochures and the
20 designs in the space I have seen that time. You have
21 seen my letter, and I don't have to go further. But
22 please be aware we have so many proposals, but the
23 zoning and (indecipherable) we have seen today, and
24 we don't know what's going to happen, even in the
25 future.

1 If the economy goes downhill within a
2 year, what will Howard Hughes do? I mean, we may be
3 stuck with a few things that we didn't expect. So
4 please consider this. Possibly go back and make sure
5 that everything is complied with what was on the spot
6 five years ago. Thank you.

7 CHAIR WHALEN: Thank you, Mr. Radtke.
8 Are there any questions?

9 (No audible response.)

10 CHAIR WHALEN: Thank you.

11 Douglas Valenta?

12 MR. VALENTA: Hi. Good afternoon. I am
13 Doug Valenta. I am a self-employed physician. I
14 live in 909 Kapiolani. I have submitted written
15 testimony on behalf of Kaka'ako United. I have been
16 fortunate to take over Sharon Moriwaki's position.
17 And I've also submitted my personal views also.

18 But just to kind of recap, I feel that
19 Howard Hughes Corporation has been quite deceitful in
20 their overall development of our neighborhood. 60
21 acres of land and less than 3 acres for a park, along
22 with a promotion of segregated housing, is a poor
23 representation of the Hawaiian island lifestyle they
24 so boldly advertised.

25 There is a poor layout for pedestrian

1 walkways with building structures right up to the
2 sidewalk. It's difficult to walk in the areas
3 without having to dodge around street posts on a
4 narrow sidewalk, sometimes having to step out to the
5 street. If you have family members in a wheelchair,
6 it's just not fun to walk through the neighborhood.

7 I'm fully opposed to this building in
8 view of the setup. Howard Hughes is not a very good
9 neighbor to us. They've segregated -- there's
10 segregated housing. It's not pedestrian friendly,
11 which they always have pushed forward since their
12 inception. Thank you.

13 CHAIR WHALEN: Any questions?

14 (No audible response.)

15 CHAIR WHALEN: Thank you.

16 Eric Yamaura?

17 MR. YAMAMURA: Is it possible if I can
18 just pass out these leaflets, which is just some
19 diagrams of what Howard Hughes had presented the
20 village and the park to look like? And my issue is
21 really with the park itself.

22 When I bought and many other people that
23 I have spoken with who live in the village bought,
24 there was an illustration that was given to everyone
25 who was buying or who was interested of what this

1 fabulous park would look like, a park with walkways,
2 shade trees, benches, seating areas, and water
3 sculptures, et cetera.

4 And I realize that's not something that
5 would be developed right away, and I have actually
6 spoken to one of the Howard Hughes sales
7 representatives about a year ago who said that this
8 park right now is the first version of the park. So
9 they -- and so they put in a lawn and put in some
10 trees, but it's not a usable park. The only time
11 it's ever used is when they have a rice festival or
12 some other sort of festival.

13 As it is, I look over to the park and I
14 never see families, children there. No one uses it.
15 It's also smaller than the original diagram. It
16 looks smaller than what the original one looked like,
17 the original photos or pictures and representations.
18 So I'm just wondering that if this could be leading
19 to more approval for projects that would occur.
20 That's my basic concern; that we do have a park.

21 Many people who bought were older people.
22 If Howard Hughes says that eventually there will be
23 this park, I think many people would die by this
24 time. They won't even enjoy it, frankly. And I
25 would like to enjoy it. And it's basically six years

1 on from the beginning of the first project, and it's
2 going to be seven years next year. There are two
3 more buildings that are going to be completed soon.
4 Still no park.

5 And the reasons were that the periphery
6 of the park would be affected by these new buildings,
7 but I can still see that a park could be constructed
8 and modified as the buildings come up. So that's
9 basically my concern. Thank you.

10 CHAIR WHALEN: Any questions to the
11 speaker?

12 (No audible response.)

13 CHAIR WHALEN: Thank you.

14 John Kobelansky?

15 MR. KOBELANSKY: Good afternoon,
16 everybody. Sorry to cut into your lunch break, but I
17 just had something important to say.

18 John Kobelansky, area resident of
19 Kaka'ako. Been there, done that. I've seen it all.
20 We were there when everything got started. So I'm
21 going to paraphrase what Douglas Valenta said --
22 actually, what he actually wrote to Chairman John
23 Whalen.

24 The first thing right here is the vision
25 of the Ward Village Master Plan stated it was

1 providing the public with great pedestrian-oriented,
2 urban promenade and shopping street would be,
3 quote-unquote, "the landscape spine of activity and
4 character." And I would just like to stop right
5 there.

6 Like the other guy that came before me,
7 he's correct. We are supposed to have some kind of
8 Central Plaza, and when I think of plaza, I think of
9 something enormous and something that everybody in
10 the community can use. But I'm not seeing that out
11 there. It's just a little piece of lawn over there,
12 and once in a while they put some landscape stuff in
13 there. So the potential is great because there's
14 areas around it, but I don't know how much of that is
15 going to be absorbed by the buildings going in.

16 So I really want to extend this out to
17 the Howard Hughes guys to reach out to the community
18 even further. I know you guys have done a lot for
19 us, but I really feel that you can do a lot more. I
20 really do. A lot of money being pumped into this
21 thing. You guys got stockholders. They've got money
22 galore. You guys can build this. You can build
23 those elevated walkways. You can make it children
24 friendly. You can put barbecue pits out there. You
25 can put better trees. You can do all these things,

1 and they're affordable, and that would connect the
2 community together better.

3 Now, I have seen the visual drawings. I
4 was here from the beginning. And they looked great.
5 So did you guys just sell us a dream, a pipe dream
6 that's never going to happen? I want to see it
7 happen. I'm living here for the long term. I'm
8 probably going to die in Kaka'ako. I would like to
9 see you guys get involved in the community in a
10 specific way that endears us to the community so we
11 don't have to show up at hearings anymore and grumble
12 about stuff. Does that sound sensible? I think it
13 sounds sensible. You guys don't want to keep hearing
14 from me; right?

15 Well, anyway, the point I am trying to
16 make here, I hear the flack from everybody, my
17 neighbors and the community around me. I'm involved
18 with the board in our own building, and they keep
19 complaining about the same problems over and over.
20 And granted, a lot of the problems is not Howard
21 Hughes' things. It's things that were here before.
22 So the things that were here before needs to be
23 changed, and you guy have the ability to do that.
24 And that's the kind of thing I would like to see
25 happen in this last -- or so-called last series of

1 projects with this new building coming in.

2 And if that is possible, I'll double down
3 on you guys to do anything you want in the future. I
4 really will. I will do that. And I appreciate --
5 the last thing I'm going to say, I appreciate the
6 free parking in Ae'o above Whole Foods. That really,
7 really helps the community a lot. It's those little
8 things, guys, that mean a lot to us. It means a lot
9 to me. Okay. Thank you.

10 CHAIR WHALEN: Okay. Thank you.

11 Any questions from the board members?

12 (No audible response.)

13 CHAIR WHALEN: Okay. Thanks.

14 Anyone else who wishes to testify who has
15 not signed up?

16 Michelle Matson?

17 MS. MATSON: Good afternoon, Chairman
18 Whalen and Authority members. My name is Michelle
19 Matson. I'm the president of the Oahu Island Parks
20 Conservancy. And I didn't plan on saying anything,
21 really, except what I'm hearing now is slightly
22 alarming. If the developer cannot come forward with
23 the park space that was envisioned and committed to
24 in the beginning, I would suggest that they establish
25 a trust fund for Kaka'ako makai so that the people

1 can have a proper park green, open space, shaded. No
2 world-class, carnival theme park playgrounds. Just
3 open space that we have been asking for for so long
4 that has not been expanded, you know, as the
5 low-hanging fruit that we talked about. We're
6 concerned about what the city might be doing in
7 Kaka'ako makai in the future.

8 So let's have a trust fund. Kapiolani
9 Park has a trust fund. Let's do that to preserve our
10 open space and have the developer contribute to that
11 for the people and all of the other people he's
12 bringing in -- they are bringing in. Excuse me.
13 Thank you.

14 CHAIR WHALEN: Thanks, Michelle.

15 Any questions?

16 (No audible response.)

17 CHAIR WHALEN: There was someone else in
18 the back.

19 MS. LEE: Good afternoon, board. My name
20 is Audrey Lee. I'm speaking as an individual. I was
21 not able to attend the first meeting that was held on
22 this project; however, I did go into the testimonies
23 and took a look at various speakers' testimony.

24 I did have a question regarding one of
25 those -- one of those testimonies. I believe it was

1 by Howard Hughes' Todd Apo. He mentioned this was
2 going to help alleviate the affordable housing and --
3 well, just the housing shortage in general at all
4 price points.

5 So I have a question. I would like to
6 ask the board if they feel there is a shortage of
7 housing at this price point? Not the affordable
8 part, but, you know, the majority of the housing. So
9 that was one question.

10 And also, there was a lot of talk earlier
11 about climate change and how -- how it's being
12 monitored according to the viewer for sea-level rise.
13 In today's paper, I'm sure you have all seen it,
14 there was a different height of sea-level rise given,
15 which was 17 feet.

16 Now, I don't know how really the mayor is
17 equating 3.2 feet with 17 feet, and I'm sure that,
18 you know, of course, it happens in a certain
19 timeline, and I know that Mr. Sander (sic) also
20 referred to it. However, with Howard Hughes -- now,
21 this is a question for Howard Hughes -- would you do
22 anything differently from the proposed plans that you
23 have with this new information? And it sounds like
24 the mayor says it's the same information, but it
25 really isn't.

1 And so I would like to ask: Does that
2 make any difference? And, you know, the sea-level
3 rise is -- it's not just one or two blocks; it is
4 several blocks into it. And, of course, it's not
5 just going to stop when it gets to that block and
6 say, "Oh, okay. We've reached that limit. Okay.
7 God, nature, let's just stop here."

8 So, okay. I understand that this is
9 going to be in, like, maybe a couple of decades or
10 something; however, I'd also note know that Howard
11 Hughes is selling its interest, you know, after a
12 certain period of time, which is, I guess, as soon as
13 they can. However, you know, what does that mean;
14 that we just build it and we just move on, sell it
15 and move on? So this is another question.

16 And I'd just like to go on record by
17 saying that although we have allowed heights of 400
18 feet for this building as well as for others, this is
19 not something I feel is necessary or desirable for
20 the area. It does create, as was mentioned earlier
21 by a previous speaker, a Waikiki type of environment,
22 and higher density creates greater congestion and
23 strain on an already aging infrastructure and roads
24 and traffic, as you have heard so many times and know
25 it in your heart for yourselves. So I'd like to just

1 make those few comments. Thank you very much.

2 CHAIR WHALEN: Thank you.

3 Members, do you have any questions of
4 this speaker?

5 (No audible response.)

6 CHAIR WHALEN: Okay. Anyone else wish to
7 speak that has not signed up? Yes?

8 MR. HAMADA: My name is Jack Hamada. I'm
9 very concerned about this building going up because
10 it's not going up properly. Now, I don't know the
11 issue now, but is there a plan for a transit center
12 in Ala Moana?

13 CHAIR WHALEN: We're not here to answer
14 questions.

15 MR. HAMADA: Yes, that's my question. Is
16 there a plan for a transit center in Ala Moana?

17 CHAIR WHALEN: Sir, this isn't sort of a
18 question-and-answer session. This is about the
19 project, and if you have something to say, we're here
20 to hear it.

21 MR. HAMADA: Yeah, because the building
22 coming up is dependent on the transit center. Am I
23 right or am I wrong?

24 CHAIR WHALEN: Again, this is not a
25 question-and-answer session. It's not a public

1 information meeting. It's a public hearing. So
2 we're here to hear your testimony.

3 MR. HAMADA: Yeah, but you're going to
4 decide today. That's what you're doing here now.

5 CHAIR WHALEN: There was a public hearing
6 earlier where questions like that could be asked, but
7 this is -- this is not the time to be raising --

8 MR. HAMADA: Well, this is very, very
9 serious now, because our governor is not involved yet
10 because he's only following what the city and county
11 does.

12 CHAIR WHALEN: Well, I think you have to
13 keep it to comments on this application. You know,
14 the Ala Moana Center is not even in the Kaka'ako
15 district. It's outside, for one thing.

16 MR. HAMADA: No. What the construction
17 depends on is on the transit center; am I right or
18 wrong? I got to be either right or wrong.

19 CHAIR WHALEN: This hearing is not about
20 the transit center.

21 MR. HAMADA: I'm not asking you that.
22 I'm asking you if the plan to build this building
23 depends on whether or not there's a transit center.

24 CHAIR WHALEN: No, it does not depend on
25 that.

1 MR. HAMADA: Huh?

2 CHAIR WHALEN: It does not depend on
3 that.

4 MR. HAMADA: Why? You sure? It does not
5 depend on that?

6 CHAIR WHALEN: Mr. Hamada, if you could
7 just sort of wrap up. I think what you're saying is
8 not really relevant to this application, and we have
9 to move on.

10 MR. HAMADA: The issue of height of the
11 building is dependent on the transit center. The
12 minimum of parking is dependent on the transit
13 center. So if you don't know where the transit
14 center is, how you going to build this?

15 CHAIR WHALEN: I think -- Mr. Hamada, I
16 think you have spoken your piece.

17 MR. HAMADA: You know what? So far right
18 now, the governor is really safe, but once you make
19 this city -- excuse me -- you make this decision in
20 the wrong way, you gonna be just as bad as the mayor
21 and the city council.

22 CHAIR WHALEN: Okay. Well, this is --

23 MR. HAMADA: It's --

24 CHAIR WHALEN: Yeah, but I'm sorry.
25 Mr. Hamada, this is not the time to make sort of

1 political statements.

2 MR. HAMADA: Why?

3 CHAIR WHALEN: Because it has to pertain
4 to this application. We can't consider all of these
5 other statements that you're making.

6 MR. HAMADA: Does it say that this is the
7 final decision then?

8 CHAIR WHALEN: For what? Perhaps there's
9 a particular --

10 MR. HAMADA: To decide whether or not
11 you're going to build this -- I mean, this okay to
12 build this.

13 CHAIR WHALEN: We don't even know if we
14 will reach a decision today, but in any case, this is
15 a decision-making hearing. I -- you know, we have
16 to --

17 MR. HAMADA: You don't know?

18 CHAIR WHALEN: We have to deliberate it,
19 yes.

20 MR. HAMADA: You have to know.

21 CHAIR WHALEN: Do I have to know? I
22 don't know, actually, because --

23 MR. HAMADA: Otherwise, you can't make a
24 decision.

25 CHAIR WHALEN: Mr. Hamada, I think that

1 you've spoken your piece. I think you should just
2 end your testimony --

3 MR. HAMADA: Okay. Thank you.

4 CHAIR WHALEN: -- because it's not
5 helpful for us to reach a decision.

6 MR. HAMADA: I thought that's what it's
7 supposed to be.

8 CHAIR WHALEN: No, it's not --

9 MR. HAMADA: In other words, it's only
10 your decision, then, that matters. You're deciding.
11 Nobody else.

12 CHAIR WHALEN: Mr. Hamada, I think -- I
13 think you're finished. Your testimony is finished.
14 Thank you.

15 Okay. We will now continue with
16 deliberations and decision-making. Members, please
17 indicate "yes" or "no" to signify that you have
18 received and reviewed the record for this application
19 and are prepared to deliberate on the application.

20 Phillip Hasha?

21 MEMBER HASHA: Yes.

22 CHAIR WHALEN: David Rodriguez?

23 MEMBER RODRIGUEZ: Yes.

24 CHAIR WHALEN: Wei Fang?

25 MEMBER FANG: Yes.

1 CHAIR WHALEN: Jason Okuhama?

2 MEMBER OKUHAMA: Yes.

3 CHAIR WHALEN: Kevin Sakoda?

4 MEMBER SAKODA: Yes.

5 CHAIR WHALEN: Chason Ishii?

6 MEMBER ISHII: Yes.

7 CHAIR WHALEN: And John Whalen. Yes.

8 So because this is a matter that goes
9 into executive session for this type of application,
10 is there a motion to enter into the executive session
11 pursuant to Hawaii Revised Statute 92-584 and for the
12 purposes of deliberation?

13 MS. FANG: So moved.

14 MR. HASHA: And I'll second it.

15 CHAIR WHALEN: Okay. Moved by Wei Fang
16 and seconded by Phillip Hasha. It's been moved and
17 seconded by -- to enter into executive session.

18 Is there any discussion on that motion?

19 (No audible response.)

20 CHAIR WHALEN: Okay. All of those in
21 favor, say "aye."

22 (All members answered aye.)

23 CHAIR WHALEN: Any opposed?

24 (No audible response.)

25 CHAIR WHALEN: We will reconvene this

1 meeting after the executive session. At that point
2 the motion related to making this decision may be
3 made. If the order is not adopted, decision-making
4 will be continued.

5 The Authority is aware that the decision
6 must be made on or before December 30th, 2019, or the
7 applicant will be deemed approved as a matter of law.
8 If the order is adopted, that will conclude these
9 proceedings. The applicant may appeal the
10 Authority's final decision pursuant to Hawaii Revised
11 Statutes, Section 206E-5.6(h).

12 So we disappear, I guess, to the fifth
13 floor?

14 MR. KAMEMOTO: Yeah.

15 CHAIR WHALEN: Okay. If you wish to
16 stay, I have no idea. I have tried predicting before
17 how long these executive sessions will last, and I
18 usually underestimate the time. But in any case, we
19 will come back here, but you're welcome to stay here
20 in this room, if you wish; right?

21 MR. KAMEMOTO: Yes.

22 CHAIR WHALEN: There is no guarantee
23 about when we will return.

24 (Whereupon, board members
25 deliberated in Executive Session

1 from 1:53 p.m. until 3:31 p.m.)

2 -o0o-

3 (The remainder of the hearing
4 was reported and transcribed by
5 Laura Savo, Certified Shorthand
6 Reporter.)

7 CHAIR WHALEN: Okay. Calling the meeting
8 back to order for the adoption of findings of facts,
9 conclusions of law, and decision and order.

10 After reviewing the record, which
11 includes HCDA staff's recommendations, applicant's
12 evidence and arguments, and intervenor's evidence and
13 arguments, and also having considered public
14 testimony, the Authority has prepared a revised staff
15 draft of the findings of facts, conclusions of law,
16 decision and order.

17 Is there a motion for the Authority to
18 adopt the revised findings of facts, conclusions of
19 law, and decision and order before -- for its
20 development permit application KAK 18-038 (sic) for
21 Applicant Victoria Ward, Limited, for the project
22 located at 1020 Auahi Street, TMK Nos. 2-3-002:109
23 and a portion of 110?

24 MEMBER HASHA: For the motion.

25 CHAIR WHALEN: Phillip Hasha moves. Is

1 is there a second?

2 MEMBER OKUHAMA: Second.

3 CHAIR WHALEN: Okay. So it's been moved
4 and seconded. Is there any discussion?

5 (No audible response.)

6 CHAIR WHALEN: Since there's no further
7 discussion on the motion, I'll ask Garrett to take a
8 roll call.

9 MR. KAMEMOTO: Member Hasha?

10 MEMBER HASHA: Yes.

11 MR. KAMEMOTO: Member Okuhama?

12 MEMBER OKUHAMA: Yes.

13 MR. KAMEMOTO: Member Yu? Oh, I'm sorry.
14 Excused. Member Rodriguez?

15 MEMBER RODRIGUEZ: Yes.

16 MR. KAMEMOTO: Member Fang?

17 MEMBER FANG: Yes.

18 MR. KAMEMOTO: Member Sakoda?

19 MEMBER SAKODA: Yes.

20 MR. KAMEMOTO: Member Ishii?

21 MEMBER ISHII: Yes.

22 MR. KAMEMOTO: Chair Whalen?

23 CHAIR WHALEN: Yes.

24 MR. KAMEMOTO: The vote is seven ayes, no
25 noes and one excused. Motion passes.

1 CHAIR WHALEN: So on behalf HCDA
2 Authority members and its staff, thank you for your
3 attendance today. The public hearing is now closed.
4 The time is 3:33 p.m.

5 (Whereupon, the hearing adjourned
6 at 3:33 p.m.)

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C E R T I F I C A T E

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

) ss.
)

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

That pages 1 through 36 of 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 8th day of October 2019 in Honolulu, Hawaii.


IRENE NAKAMURA, CSR NO. 496

C E R T I F I C A T E

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

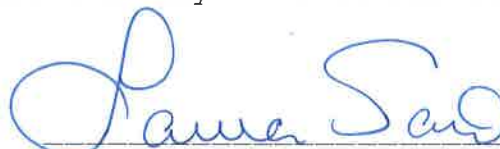
I, LAURA SAVO, a Certified Shorthand Reporter in and for the State of Hawaii, do hereby certify:

That pages 37 through 39 of 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 8th day of October 2019 in Honolulu, Hawaii.



LAURA SAVO, RPR, CSR NO. 347