

**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 28, 2014 3:49 PM  
**To:** waltestimony  
**Cc:** lynnehi@aol.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 1/28/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
lynne matusow	Individual	Support	No

Comments: A one year moratorium would be nice, if that is all you are going to do. I would prefer the HCDA be abolished and the area be returned to the city. however, this would be an important first step in creating breathing room so development will proceed judiciously. Please support this bill.  
lynne matusow 60 n. beretania, #1804 honolulu, hi 96817 531-4260

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 30, 2014 8:45 AM  
**To:** waltestimony  
**Cc:** georgeandmary@mac.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 1/30/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
George Outlaw	Individual	Support	No

Comments: The HCDA is a rigged, politically appointed, non representative Kangaroo Court. Disband it!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 02, 2014 7:58 PM  
**To:** waltestimony  
**Cc:** rontthi@gmail.com  
**Subject:** \*Submitted testimony for HB1865 on Feb 8, 2014 08:30AM\*

**HB1865**

Submitted on: 2/2/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronald Taniguchi, Pharm.D.	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 03, 2014 11:45 AM  
**To:** waltestimony  
**Cc:** rkorph@gmail.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/3/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ron Okamura	Individual	Support	Yes

Comments: I am deeply concerned at the rate new condominium developments are being approved with many modifications that ignore the Mauka Area Plan and Rules. The most egregious is the use of the ill-defined workforce housing rule to allow modifications that disregard plans and rules to over mass projects. A one year moratorium is needed to re- assess the actions of HCDA. The bill should be amended to be retroactive to January 2013.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 04, 2014 9:40 AM  
**To:** waltestimony  
**Cc:** williamlee244@gmail.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William Lee	Individual	Support	No

Comments: Am very concerned about the rate at which condominium projects are being approved. Too many modifications to the rules have occurred resulting in over-massing and questionable affordability. I support a one year moratorium as well as a stoppage of any project not yet started but permitted. The legislature should investigate the use of work force housing by HCDA.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 04, 2014 11:50 AM  
**To:** waltestimony  
**Cc:** connie.smyth54@gmail.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
connie smyth	Individual	Support	No

Comments: HB 1865: I support HB 1865 because I am deeply concerned about the ongoing uncontrolled rate of development approvals (particularly condo tower approvals) by HCDA. Therefore, I agree with a 1-year moratorium on development project approvals by HCDA.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 04, 2014 12:28 PM  
**To:** waltestimony  
**Cc:** ismyth@hawaiiantel.net  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
isaac smyth	Individual	Support	No

Comments: HB 1865: I support HB 1865 because I am deeply concerned about the ongoing uncontrolled rate of development approvals (particularly condo tower approvals) by HCDA. Therefore, I agree with a 1-year moratorium on development project approvals by HCDA.

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Testimony of

Eric Gay

Before the

House Committee on Water and Land

Saturday February 8, 2014

House Bills: 1860, 1861, 1863, 1864, 1865, 1866, 1867.

Chairperson Cindy Evans and members of the House Committee on Water and Land:

My name is Eric Gay. I live at the Royal Capital Plaza. My main concern for Kaka'ako is education for our children. My son Eric Gay Jr. attends Voyager Charter School in Manoa. I know of a least 5 other children in Kaka'ako who attend Voyager and 2 other children who attend a charter school outside of Kaka'ako because there is no space available in Kaka'ako's only district elementary school, Royal Elementary. Does the HCDA have plans to build schools? Where will the children from the proposed work force housing or reserve housing go to school? Education is the building blocks of our universe. HCDA, please build an elementary school, a middle school and a high school before any further development is done in Kaka'ako. I support House Bills 1860, as well as House Bills 1861, 1863 1864, 1865 1866, and 1867.

Thank You

Testimony of

James Gay

Before the

House Committee on Water and Land

Saturday February 8, 2014

House Bills: 1860, 1861, 1863, 1864 1865, 1866, and 1867.

Chairperson Cindy Evens and members of the House Committee on Water and Land:

My name is Sonny Gay. I'm a property owner at the Royal Capital Plaza in Kaka'ako . I have been a resident of Kaka'ako for twenty seven years. In 1949, I played football for a team in Kaka'ako (Primo A. C.). My mother and father were married in Bright's Church on Cook Street. While with the Honolulu Fire Department I worked At the Kaka'ako Fire Station. My grandfather grew up on the grounds of the Historical Mission House. I love Kaka'ako! I do not approve of some of the actions implemented by HCDA. It is questionable if Kaka'ako has adequate infrastructure. Trying to fit two forty foot towers in the Historical Honolulu Advertiser Lot is inharmonious. Work Force Housing is an Illusion. Kaka'ako has no schools and my grandson goes all the way to Manoa to school on the bus with his TuTu.

I testified twice before the HCDA. Both times I requested that the HCDA fill the vacant culture specialist position before the approval of the building permit. I'm a beneficiary of the Hawaiian Homestead Trust which makes me one half of the blood of the aborigine prior to 1778. I have a professional certificate in Family History and Genealogy from B Y U, Provo, Utah. Because of my culture belief, I'm deeply concern about burials that may be on this historical property. I searched the mahele records and the land court records. I found genealogies that go back to royalty. I'm disappointed that I could not get help from HCDA. I support House Bill 1860 as well as House Bills 1861, 1863, 1864, 1865, 1866 and 1867.

Please Kokua

Kindest Aloha

Testimony of

Jane Gay

Before the House Committee on Water and Land

Saturday February 8, 2014

**House Bill 1861: Relating to the Hawaii Community Development Authority**

Chairperson Evans and Members of the House Committee on Water and Land:

My name is Jane Gay and I have been a resident of Kaka'ako for the past 27 years.

Thank you for the opportunity to testify on **House Bill 1861**. I support HB 1861 and I support all the House Bills 1860 to 1867 being heard today.

I strongly favor 206E-33 Kaka'ako Community Development District, development guidance policies. HB 1861 No. 8, "Residential Development shall provide necessary and adequate community facilities and services, such as schools, etc." My concern is that there are no schools in Kaka'ako. My grandson, Eric, attends Voyager Charter School in Manoa. I am 81 years old and I go by bus to pick up Eric from school. First, Eric was attending Voyager Charter School in a commercial warehouse in Kaka'ako, then the school was moved to Halekauwila Street. Eric's classroom was directly across the street from where the prisoner escaped from the Court House. Voyager Charter School had no other choice but to move to Manoa. Voyager lives up to their name. The chorus in the Voyager Alma Mater is "Voyager, Voyager, the journey of learning never ends. What we learn as children will shape us as we grow into our world."

I urge you to pass HB 1861 to protect Kaka'ako. Thank you for your time and attention to present my testimony.



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 05, 2014 9:47 AM  
**To:** waltestimony  
**Cc:** Towerengr@aol.com  
**Subject:** Submitted testimony for HB1864 on Feb 8, 2014 08:30AM

**HB1864**

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jerry Whitehead	Individual	Support	No

Comments: "I strongly support abolishing HCDA that has shown it does not understand nor does it act to be good stewards of Kaka'ako, Kalaeloa or Heeia lands. All other bills curb their actions so I also support those bills being heard on 2/8: HB1860, HB1861,HB1863,HB1865,HB1866,AND HB1867.

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From: mailinglist@capitol.hawaii.gov  
Sent: Thursday, February 06, 2014 8:38 AM  
To: waltestimony  
Cc: rdulcich@gmail.com  
Subject: Submitted testimony for HB1864 on Feb 8, 2014 08:30AM

**HB1864**

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Dulcich	Individual	Support	No

Comments: I strongly support abolishing HCDA that has shown it does not understand nor does it act to be good stewards of Kaka'ako, Kalaeloa or Heeia lands. All other bill curb their action so I also support those bills being heard on 2/8: HB1860, HB1861, HB1863, HB1865, HB1866 and HB1867.

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Testimony of  
Ann L. Miller  
Before the  
House Committee on Water & Land  
Saturday, Feb. 8, 2014, 8:30 a.m., Conference Room  
325

**In Support of HB 1865**, Relating to the Hawaii  
Community Development Authority

Chairperson Evans and Members of the House  
Committee on Water and Land

My name is Ann Miller and I have been a resident of Kaka'ako for 22 years. I support HB 1865 and all the other bills being heard by your committee today (HB1860, HB1861, HB1863, HB1864, HB1865, HB1866 and HB1867) because all address continuing frustration we have about what HCDA is doing and how it ignores people who live, work, play and enjoy Kaka'ako.

HB1865 is important because it places a one-year moratorium prohibiting the HCDA from approving any plan or development proposals in Kaka'ako. The rash of HCDA approvals recently have come without serious regard to input from the community surrounding these projects and often based only on "conditional approvals" by the city for infrastructure. Our constant sewer problems have continued, there are no public schools available for our young children

and traffic is a disaster ... now.

Can you envision the impact of thousands more people and cars without proper planning, by an unelected board that does not truly represent any segment of our community with the exception of the construction and real estate industries? Can you envision a Kaka'ako made up of concrete walls, little green space and absolutely no sense of place?

HCDA must learn to respect the land and people it should be serving—those living, working and using Kaka'ako and those who want to join us as neighbors. If it cannot perform that very basic function, something needs to change. If it cannot follow its own rules — instead offering constant variances and exemptions for height, density, distance between buildings and alignment with little regard for truly affordable housing — it must be shut down and put back together again with a renewed sense of purpose and vision.

Please support the Kaka'ako community. We want a living, working, thriving community that is affordable to the working people of Hawaii. HB 1865 will force the HCDA to follow the guidelines set forth by the legislature in 1975. I strongly urge you to pass HB 1865 and all the supporting bills you are scheduled to hear today.

Thank you for the opportunity to testify.

Ann L. Miller

[Mphalm1@hawaiiantel.net](mailto:Mphalm1@hawaiiantel.net)

808-591-1780

Testimony of  
Martha P. Hernandez  
Before the  
House Committee on Water & Land  
Saturday, Feb. 8, 2014, 8:30 a.m., Conference Room 325

**In Support of HB 1865**, Relating to the Hawaii Community Development Authority

Chairperson Evans and Members of the House Committee on Water and Land

My name is Martha P. Hernandez and I am a resident and work in Kakaako. I'm writing today to support HB 1865 and all the other bills being heard by your committee today (HB1860, HB1861, HB1863, HB1864, HB1865, HB1866 and HB1867).

The development of Kakaako is very important and must be done with care to follow rules that have been set with community input under the guidance of the HCDA. When you look at the HCDA's website and read about the vision for Kakaako you want to be part of it. The plan for a community that lives, works and plays with open spaces and a mix of building heights that are visually appealing is a good one.

Why then does the entity that was created to oversee the vision consistently ignore the guidelines? It allows taller buildings and double density that create walls of concrete and add to our traffic congestion.

The agency creates an illusion of listening the community through hearings that are required by law. The hearings are set and the testimony is heard and the decision given with the same result — approval of developments that are allowed to break the rules.

The HCDA is irresponsible and needs to be stopped. Furthermore, before more development is approved, the HCDA should make upgrades to infrastructure to support the added population. Please bring back responsible planning and let's get back to creating the vision that was promised.

Thank you for taking time to read my testimony and taking action before the HCDA's wall of concrete becomes a permanent fixture in our city.

Aloha  
Martha P. Hernandez  
[Mphalm1@me.com](mailto:Mphalm1@me.com)  
808 372-4459



## lowen2-Lanaly

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**From:** Pam Wood <pwood229@gmail.com>  
**Sent:** Thursday, February 06, 2014 11:24 AM  
**To:** waltestimony  
**Subject:** Fwd: HB1864

Testimony of Pamela Wood

For the House Committee on Water & Land  
Saturday, February 8, 2014  
Re: Support for HB1864

Chair Cindy Evans and Members of the House Committee on Water & Land:

My name is Pamela Wood. I live in Kakaako. Thank you for giving me the opportunity to testify in support of HB1864 and share my experience of working with the Hawaii Community Development Authority (HCDA) during 2013.

HCDA has not taken responsibility for infrastructure deficiencies within Kakaako. Instead they approve development permit applications based on general letters of conditional approval from city agencies, then expect the city to address the infrastructure deficiencies during the building permit process.

I learned this first hand during HCDA's public hearings and information sessions regarding the 803 Waimanu project. The property is located in the commercial/industrial Central Kakaako Neighborhood. The FAR (Floor Area Ratio) was set at 1.5 because of the lack of infrastructure. The 2008 Environmental Impact Statement (EIS) and the 2011 Mauka Area Rules and Plan describe the inadequate infrastructure in detail. The small property owners did not agree to participate in the cost of establishing improvement districts, and so development was limited to 1.5 FAR. If property owners agreed to an improvement district or if a developer agreed to make the improvements the FAR could be increased to 3.5. We discovered there is a third way to increase the FAR. The Executive Director can determine the infrastructure is adequate and can unilaterally increase the FAR to 3.5.

The 803 Waimanu sewer line will connect to the existing 6-inch Kawaihāo Street sewer line that is more than 100 years old. This aged line runs 200 feet, then connects to the improved line on Cooke Street. The 2008 EIS requires a storm drain. When HCDA was asked if the developer was required to make these improvements, I was first told it would not be fair to ask one developer to be responsible for the entire cost; then I was told the developer was going to control all storm drainage runoff onsite and the city accepted the sewer permit application; and then I was told these issues would be addressed during the building permit process.

The process need to change. Infrastructure must be addressed before development permit applications are approved. If the City & County of Honolulu is responsible for the infrastructure and the Honolulu taxpayer is responsible for the costs, then the City should be given the control.

Pamela Wood  
725 Kapiolani Blvd., #3002  
[808.781.1732](tel:808.781.1732)

February 6, 2014

**TESTIMONY TO STRONGLY SUPPORT HB1864 – REPEAL OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY**

Chair Evans and Members of the Water and Land Committee,

My name is Bernard Nunies. I am a 7 year resident of Kaka'ako and have seen, in 2013 alone, the devastation a single rogue government agency can cause in our community. I am, of course, referring to the Hawaii Community Development Authority (HCDA), who this year alone, has approved 11 developments in Kaka'ako without regard to infrastructure issues, established rules & regulations, or community feedback and input. I have testified at several of their hearings in 2013, only to have our community concerns fall on deaf ears as the governor-appointed board do the bidding of big business without concern for the current or future residents of my community.

The 2011 Mauka Area Rules were established to guide smart development in Kaka'ako, yet the HCDA has taken it upon themselves to select which rules apply and when to apply then, often granting developers extreme exemptions and allowing them to take advantage of loopholes.

- The 2011 Mauka Area rules established the Floor-Area-Ratio (FAR) of central Kaka'ako to be 1.5 due to poor infrastructure. However, the director of the HCDA arbitrarily increased the far to 3.5 (more than doubling the density of this area) despite having made no infrastructure improvements to justify the increase.
- There are no guidelines in place that prevent inventors from purchasing "reserved housing" units and flipping them for a profit as the only regulation in place is that these units be offered to the public for 60 days. After that, anyone can purchase.
- There is no elementary school capacity in Kaka'ako and the neighboring schools are all full. Yet, the HCDA continues to approve development without regard as to where our keiki will be educated. The HCDA claims this is a DOE issue, yet the only parcel of land in Kaka'ako that could be used for an elementary school (690 Pohukaina) was given to developers by the HCDA for housing development.

These are just a few examples of how the HCDA has failed the Kaka'ako community and needs to be abolished.

**I strongly support HB 1864 and other bills that have been introduced that limit and rein in the authority of the HCDA (HB 1860, 1861, 1863, 1865, 1866, and 1867)** and hope to have the build-up of my community be accomplished in a way that addresses the infrastructure issues first, listens to the concerns of the current residents, and provides for truly affordable housing for the working families.

Best Regards,

Bernard K. Nunies  
725 Kapiolani Blvd  
Honolulu, HI 96813

Email: [bknunies@gmail.com](mailto:bknunies@gmail.com)  
Phone: 808-215-9016



## lowen2-Lanaly

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 06, 2014 10:50 PM  
**To:** waltestimony  
**Cc:** nancylhedlund@yahoo.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

### HB1865

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Hedlund	Individual	Support	No

Comments: Aloha Members of the Water & Land Committee: I offer testimony in favor of bills abolishing or limiting the authority of HCDA, a State government unit that has entirely failed to fulfill the intended purpose of advancing development and flourishing of Kaka'ako through providing appropriate direction and leadership to development in Hawai'i. The following bills relate to urgently needed actions to curb the authority and actions of HCDA: HB1860, HB1861, HB1863, HP1864, HB1865, HB1866, HB1867. With great urgency and sincerity, I ask you to support all proposed bills that abolish or limit the authority and actions of the HCDA in Kaka'ako and other areas for which HCDA has inappropriately been given authority, including Kalaeloa and He'eia lands. My experience with HCDA dates back to membership on the Ala Moana/Kaka'ako Neighborhood Board, CPAC, and previous community actions to oppose development of luxury high rises in Kaka'ako Makai by Alexander and Baldwin. In the aftermath of community success in blocking this development, we were most disappointed to learn the ways that a developer had been favored in the approval process and then to see how favors and variances continued to characterize the approval process for other projects with total disregard for community input. It was equally disappointing to realize that there was no integration of community input in HCDA's process. Yes, there were meetings and pretenses of exchange of information. But at every turn, the outcomes never reflected the community's preferences. Standards that should have been respected were modified by variances, even in the face of community concern. Even when CPAC and the community took the time and did the work to create a formal plan, the substance of the community's inputs was given no place in the process. There are many examples of these failures to serve the community that provide evidence for this pattern of decision making. Kaka'ako is a community with strengths, needs and great potential to contribute to the sustainability of Honolulu, Oahu and Hawai'i. One of its greatest strengths now is that there is a larger community of citizens who demonstrate spirit, knowledge, experience and engagement. Yet HCDA has continued to operate with the single agenda of economic gain for developers. Immensely important arenas of sustainability have been bypassed entirely such as: water, schools, traffic, sewage, view planes and parking. When confronted with challenges concerning these dimensions of community viability, HCDA's response has been indifference. How can we look the other way at HCDA's Indifference to schools? to sewage? to the sufficiency of water for proposed developments? As one of many concerned citizens who lives here in the Kaka'ako/Ala Moana part of Honolulu, I have made many attempts to participate in planning for Kaka'ako over the past 8 years. I speak from experience. But instead of seeing positive results, every day I see one or more of the many deleterious effects of HCDA's ways of doing business. It has failed to serve our

community through vision, principle or effective planning methods. Please take action to move us into a more viable process for our community's future. Nancy Hedlund, Honolulu, Hawai'i

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Matt Vossen  
P.O. Box 1829  
Waianae, HI 96792

February 8, 2014

State of Hawaii House of Representatives  
House Committee on Water & Land  
Hawaii State Capitol  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Evans, Vice Chair Lowen and Members of the Committee,

Subject: HB 1860, HB 1861, HB 1863, HB 1864, HB 1865, HB 1866, and HB 1867  
Relating to the Hawaii Community Development Authority and the  
Kakaako Community Development District

I am *Matt Vossen*, a member of the Hawaii Regional Council of Carpenters.

I strongly urge your support of the Hawaii Community Development Authority (HCDA) and the vision of Kakaako. The authority and vision will:

- ✓ *Provide a live, work, play, mixed-use development in the urban-core*
- ✓ *Add new housing including affordable homes and homes for seniors – built by Hawaii workers*
- ✓ *Bring a sense of shared values with neighbors*
- ✓ *Create housing near public transit*
- ✓ *Generate new County and State taxes*
- ✓ *Address population growth and needs*
- ✓ *Create construction and permanent jobs*
- ✓ *Keep country, country*

We have waited a long time for the development of housing, parks, open areas, as well as new commercial and industrial space near the downtown core. Please don't make any changes and delay the vision of Kakaako.

Thank you for allowing me to share my views.

| Sincerely,

Matt Vossen

February 8, 2014

State of Hawaii House of Representatives  
House Committee on Water & Land  
Hawaii State Capitol  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Evans, Vice Chair Lowen and Members of the Committee,

Subject: HB 1860, HB 1861, HB 1863, HB 1864, HB 1865, HB 1866, and HB 1867  
Relating to the Hawaii Community Development Authority and the  
Kakaako Community Development District

I am *Robert Locquiao*, a member of the Hawaii Regional Council of Carpenters.

I strongly urge your support of the Hawaii Community Development Authority (HCDA) and the vision of Kakaako. The authority and vision will:

- ✓ *Provide a live, work, play, mixed-use development in the urban-core*
- ✓ *Add new housing including affordable homes and homes for seniors – built by Hawaii workers*
- ✓ *Bring a sense of shared values with neighbors*
- ✓ *Create housing near public transit*
- ✓ *Generate new County and State taxes*
- ✓ *Address population growth and needs*
- ✓ *Create construction and permanent jobs*
- ✓ *Keep country, country*

We have waited a long time for the development of housing, parks, open areas, as well as new commercial and industrial space near the downtown core. Please don't make any changes and delay the vision of Kakaako.

Thank you for allowing me to share my views.

Sincerely,

Robert Locquiao  
Rob4x4rl@aol.com

**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 04, 2014 2:31 PM  
**To:** waltestimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for HB1865 on Feb 8, 2014 08:30AM\*

**HB1865**

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 04, 2014 3:37 PM  
**To:** waltestimony  
**Cc:** rmyamauchi@gmail.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Roy Yamauchi	Individual	Support	No

Comments: I am in support of HB 1865 since it calls for a one year moratorium on development approvals by HCDA. This will give the community time to review and comment on the permanence of HCDA and reassess what the future of Kakaako should be. Respectfully submitted, Roy Yamauchi

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**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 04, 2014 4:19 PM  
**To:** waltestimony  
**Cc:** clamor808@yahoo.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clara K Morikawa	Individual	Support	No

Comments: I agree with a 1 year moratorium. Projects are being approved too fast and with too many exceptions. Let's take care of our infrastructure before we add more buildings. We need park land and green and open space.

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Dear House Water & Land Committee Members,

I support HB 1865 and all efforts to curb or abolish the HCDA. The HCDA does not properly represent the communities for which it serves. Its operations and decisions are not transparent nor reflect testimony it has received over the past year; it continues to ignore the will of the people.

I am deeply concerned about the ongoing uncontrolled rate of development approvals (particularly condo tower approvals) by HCDA. Therefore, I agree with a 1-year moratorium on development project approvals by HCDA.

HB1865 is important because it places a one-year moratorium prohibiting the HCDA from approving any plan or development proposal in Kaka'ako. HCDA approved 11 condo projects plus, in the Makai area, exclusive contracts for development, all without input from the community surrounding these projects and based only on "conditional approvals" by the city for infrastructure (including the smelly sewers).

HCDA must respect the land and people it should be serving—those living, working and enjoying Kaka'ako; and the one-year moratorium will give HCDA the time to address these concerns.

HB 1865 will make HCDA follow the plans and rules that are in place and address Kaka'ako's inadequate infrastructure BEFORE approving any more projects. I strongly urge you to pass HB1865.

Mahalo,

AL Frenzel



# *Malama Makaha*

February 4, 2014

TO: House Water & Land Committee Members,

SUBJECT: Testimony in Support of HB 1865

Dear Committee Members,

Malama Makaha supports HB 1865 and all efforts to curb or abolish the HCDA. The HCDA does not properly represent the communities for which it serves. Its operations and decisions are not transparent nor reflect testimony it has received over the past year; it continues to ignore the will of the people.

Malama Makaha is deeply concerned about the ongoing uncontrolled rate of development approvals (particularly condo tower approvals) by HCDA. Therefore, we agree with a 1-year moratorium on development project approvals by HCDA.

HB1865 is important because it places a one-year moratorium prohibiting the HCDA from approving any plan or development proposal in Kaka'ako. HCDA approved 11 condo projects plus, in the Makai area, exclusive contracts for development, all without input from the community surrounding these projects and based only on "conditional approvals" by the city for infrastructure (including the smelly sewers).

HCDA must respect the land and people it should be serving—those living, working and enjoying Kaka'ako; and the one-year moratorium will give HCDA the time to address these concerns.

HB 1865 will make HCDA follow the plans and rules that are in place and address Kaka'ako's inadequate infrastructure BEFORE approving any more projects. Malama Makaha strongly urges you to pass HB1865.

Mahalo Nui Loa,



AL Frenzel  
Malama Makaha  
84-933 Alahele St.  
Waianae, HI 96792  
(808) 343-4916

**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 04, 2014 8:24 PM  
**To:** waltestimony  
**Cc:** suzanne@punapono.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Suzanne Wakelin	Individual	Support	No

Comments: If you cannot REPEAL the HCDA then please PASS this Bill.

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**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 05, 2014 8:41 AM  
**To:** waltestimony  
**Cc:** kumemoto@hawaii.edu  
**Subject:** \*Submitted testimony for HB1865 on Feb 8, 2014 08:30AM\*

**HB1865**

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karen Umemoto	Individual	Support	No

Comments:

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To: **House Committee on Water & Land**

Saturday, February 8, 2014, 8:30AM

Chair: Rep. Cindy Evans

Vice-Chair: Rep. Nicole Lowen

**HB1865 RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

**Testimony in SUPPORT – James Nelson**

Chair Evans, Vice-Chair Lowen and members of the committee:

I am James Nelson, a resident of Kakaako mauka, and I testify in support of the measure.

This measure establishes a moratorium on approval by HCDA of any development plans for Kakaako between July 1, 2014 and June 30, 2015. There are many other proposals before you today with the goal of reining in HCDA by means of revising HRS Chapter 206E in one way or another. Although I would like to see at least one of those measures continue to remain alive and discussed over the course of this year's session, in the event that consensus cannot be reached on passing a bill for a revised statutory approach, in my view it would be wise to also keep this measure moving, in all its elegant simplicity. Certainly HCDA and its board could spend the one-year period reflecting on and reviewing their plans with an eye toward encouraging more balanced and integrated growth and development in Kakaako. At the same time, members of the legislature and the public at large could further refine their concerns and perhaps learn to work more cooperatively with HCDA and other stakeholders such as landowners and developers.

Thank you for the opportunity to testify.

James Nelson

**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 05, 2014 3:04 PM  
**To:** waltestimony  
**Cc:** eo50@icloud.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Okamura	Individual	Support	No

Comments: The one year moratorium would be helpful for the transition period after HCDA is repealed. If any project has not broke ground as of December 2013, they should comply with the moratorium.

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Testimony of  
Michael Korman  
Before the  
House Committee on Water & Land  
House Bill 1865  
Relating to the Hawaii Community Development Authority

Chairperson Evans and Member of the House Committee on Water and Land

My name is Michael Korman, and as a local citizen very concerned about Kaka’ako, I urge you to support House Bill 1865 and all the House Bills 1860 to 1867.

I am providing this written testimony because I am extremely concerned about the future landscape of Kaka’ako and how the HCDA makes decisions with very little regard for the current residents. I feel the members of the HCDA simply go through the motions when they collect input at their meetings. They seem more interested in pleasing development corporations and construction companies than the people who live and work in the neighborhoods impacted by their long-term decisions. Bottom line, HCDA is not serving the public’s best interests and I agree with a 1-year moratorium on development project approvals by HCDA.

As governor-appointed officials, they are not accountable to voting residents since no one elected them. I want my state and city council representatives more involved in the decision process for Kaka’ako development. While thoughtfully redeveloping Kaka’ako makes sense economically and socially, HCDA’s current organizational structure does not effectively take into consideration the health and quality of life concerns of the existing Kaka’ako residents.

Given HCDA’s recent actions and decisions, and particularly its overdevelopment and failure to follow the community-developed and adopted plans and rules in the past year, it is apparent that the law and the HCDA composition lack clear, consistent standards to achieve the intended purposes of the legislature when it established the agency.

HB1865 is important because it places a one-year moratorium prohibiting the HCDA from approving any plan or development proposal in Kaka’ako. HCDA approved 11 condo projects in the Makai area, exclusive contracts for development, all without input from the community surrounding these projects and based only on “conditional approvals” by the city for infrastructure (including the smelly sewers).

Kaka’ako neighbors feel helpless with personal wellbeing and quality of life in jeopardy, and little to no say in the present housing approval process. HCDA must respect the land and people it should be serving – those living, working and enjoying Kaka’ako. The one-year moratorium will give HCDA the time to address these concerns. HB 1865 will make HCDA follow the plans and rules that are in place and address Kaka’ako’s inadequate infrastructure BEFORE approving any more projects.

I firmly support HB1865, and all the House Bills 1860 to 1867 being put forth for review. I respectfully request you pass HB1865 and grant a 1-year moratorium on development project approvals by HCDA. Thank you for your kind consideration.

*Michael Korman*

*February 4, 2014*

**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 05, 2014 3:19 PM  
**To:** waltestimony  
**Cc:** autumnrose2010@yahoo.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Autumn Rose	Individual	Support	No

Comments: Only a short term solution, but YES we need the one year moratorium on Kakaako development -- STOP already!

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, February 05, 2014 4:17 PM  
To: waltestimony  
Cc: kareen.tanoue@gmail.com  
Subject: Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kareen Tanoue	Individual	Support	No

Comments: I support HB 1865 because I am deeply concerned about the ongoing uncontrolled rate of development approvals (particularly condo tower approvals) by HCDA. I feel their actions are irresponsible and without concern for the neighborhood, the problems that are and will be created, and they are not giving the public enough time to respond with concerns, let alone find out about the projects HCDA are approving. Therefore, I agree with a 1-year moratorium on development project approvals by HCDA.

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## lowen2-Lanaly

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**From:** Web Nolan <webnolan@hawaii.rr.com>  
**Sent:** Wednesday, February 05, 2014 4:27 PM  
**To:** waltestimony  
**Subject:** Testimony by Webster Nolan supporting HB1865

As a 20-year resident and owner of a condo in Kakaako, I strongly support a one-year moratorium on HCDA approval of any plans or proposals for development in Kakaako, as provided in HB1865, because it would compel the Authority to go before the legislature and try to justify its continuance.

In my view, which is shared by many residents of Kakaako, the Authority has failed flagrantly to perform its statutory obligation to engage with the community “effectively” and “meaningfully” in the agency’s decision-making process. The most recent example of this failure was the Authority’s handling of the proposed “801 South Street Phase II” project.

HCDA rules prohibit residents from asking questions of the Authority’s board members during the agency’s public hearings. But legislative hearings on the proposed moratorium would enable Kakaako residents to discuss HCDA conduct in detail with the policymakers of our state government.

HB1865 offers a quick and effective way for the legislature and the public to engage in productive discussion about the future of the HCDA, and I strongly urge passage of this bill.

Webster Nolan  
876 Curtis St. #1005  
Honolulu HI 96813

Ph: 593-1189

Aloha Chair Evans, and Representatives

As an Ewa resident and member of the Kanehili Cultural Hui who has witnessed how HAWAII COMMUNITY DEVELOPMENT AUTHORITY operates in Kalaeloa and how poorly they communicate with the community and how evasive they are when information about developments is sought.

I believe this organization clearly needs to be shut down because of lack of community oversight and adherence to State and Federal historic and cultural preservation laws and City planning rules and ordinances. They have a dedicated "Cultural Heritage Park," but really it has been used as an illegal dump site and as an excuse to do widespread damage to other very pristine areas that HCDA plans to turn into industrial areas. The word "front" or "façade" is made for how HCDA operates in Kalaleloa.

Coordination and cooperation with City zoning and planning is severely lacking and HCDA doesn't even follow its own rules. During the Kalaeloa Draft Rules process a couple of years ago they completely rejected every single suggestion made by the attorney from the National Trust for Historic Preservation. These were suggestions that were showing how HCDA's rules would NOT be in compliance with national standards and allowed many variances and loopholes for developers to avoid State and Federal historic and cultural preservation compliance. These comments were all REJECTED by the HCDA director.

Clearly today the results are in- a blatant disregard for historic and cultural preservation and a complete blindness to apparently on-going developer sponsored "vandals" who systematically desecrate historic and cultural sites to reduce and destroy "historic integrity" and "cultural value."

There are many examples in Kalaeloa of extensive damage to valuable infrastructure and historic buildings that has been going on for years. It is being done apparently so that it requires a full replacement and of course that means by Hawaii tax-payers. I could send you a hundred photos of intentional damage done by Kalaeloa developers who want see everything out there flattened for land flips to the highest bidder. The more they can make Kalaeloa a cleared parking lot free of any historic and cultural issues, native plants, etc. the better for the land developers and HCDA insiders.

We now increasingly hear that all HCDA Kalaeloa lands "must be developed to their highest potential (income for HCDA developers.) This means all previously promised open space, cultural and historic sites must be wiped out because the highest developer dollar wants it. It really makes you wonder if anything the State does anymore is about "the future" and "the keiki" or just about how much land development cash can be pocketed RIGHT NOW. The message here is that there REALLY ISN'T a future for anyone unless you are rich and can leave once all of the environment that once made the area a wonderful place to live has all been raped away. HCDA developers just move on to the next target somewhere else and the local residents get stuck with tax bills and a depleted, polluted, unsustainable landscape.

HCDA has been cited for illegal dumping on HCDA's own property by the City building inspector (after it was pointed out to them.) Otherwise the people who are supposed to be enforcing City and State laws have NO IDEA what is going on in Kalaleoa unless HCDA calls them in- and that basically NEVER HAPPENS. And development continues with roads and other infrastructure NOT being done to City spec or State environmental laws in Kalaeloa since no one really watches what is happening.

HCDA's director recently expressed surprise at a community meeting when learning that Hunt Corporation was selling off Kalaleoa land (which they lease from the Navy and has NOT undergone a required Federal Section 106 process) while real estate signs have been up all over Kalaeloa for months offering these properties already for sale. This really begs the question that the Kalaeloa director doesn't even know what is going on in Kalaeloa, which they supposedly "manage." In HCDA's Kalaeloa the "rules" become whatever the developer wants it to be, including with Federal property.

I have spoken with a current (and still largely understaffed) State Historic Preservation Division branch manager and was told that HCDA rarely if ever consults with them on anything, despite many ongoing projects in Kalaeloa in very sensitive cultural and historic areas. Kalaeloa is pretty well known as a "Wild West" place of developer lawlessness. Damage is done by "vandals," often in broad daylight. Powerlines, lightpoles, etc are regularly cut down along main roadways or side streets by "vandals." This is so that new ones must be put in and of course the Hawaii tax-payer always pays for it so who really cares?

It is amazing how the "vandals" and firestarters seem to be able to operate in Kalaleoa in broad daylight during working hours without any police or security noticing anyone doing anything. Only after a great deal of news media coverage have all of the continuous, almost daily fires (and perhaps with the help of the weather) allowed this aspect of Kalaleoa destruction to be at least temporarily curbed.

Large areas of military base electrical and telecommunication vaults and buildings have been stripped of copper wire, switching rooms trashed, equipment removed and valuable telephone/power poles (I have been told are worth around \$2000 each) sawed down everywhere. Nothing is ever done about it, over a period of over one and a half years, despite constant "security" patrols. Unless there are some really incompetent druggie thieves who get caught because they cut into live electrical wires and nearly get electrocuted, does any attention result. Amazingly these same people seem to just get away and return again and again. They also inhabit empty historic buildings right next door to developer offices!

Around a year and a half ago HCDA allowed a prospective PV site developer to go into a highly sensitive Hawaiian cultural area in Kalaleoa with a D9 Bulldozer and cut huge swaths of roads over a very large area. Not even straight lines (which is usually always done with a small, rubber tread BobCat for survey work), but wandering, unmitigated massive damage was done to one thousand year old ancient Hawaiian trails, habitation sites and heiau structures. No one at HCDA Kalaeloa questioned this!

Only because of outside complaints to DLNR was this project stopped. To this very day there has never been anything publicly disclosed as to WHO at HCDA authorized this massive and completely insane destruction. It has all been hushed up and likely it seems now the PV site developer paid someone some money so that nothing further was ever said about it. But they are planning MORE like this already!

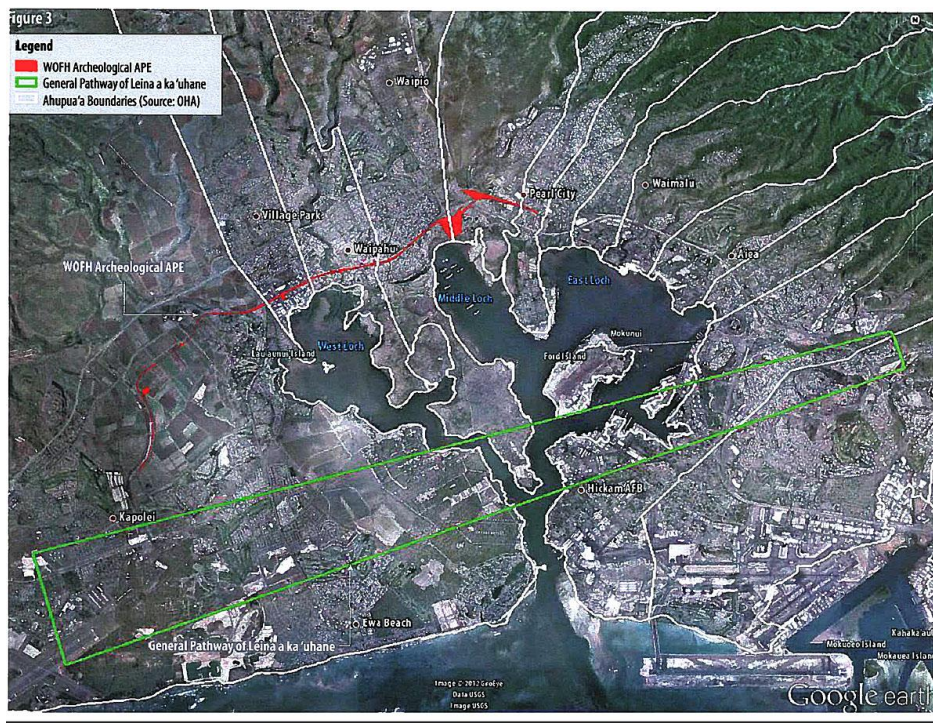
Our Kanehili Cultural Hui was able to photograph the damage many months later when apparently an archaeological contractor (not SHPD which rarely looks at anything in Kalaeloa ) was brought in to begin tagging all the site damage. We assume the contractor who did all the damage paid for the survey, but this doesn't address who at HCDA allowed this stupid fiasco to happen in the first place.

By the way, Kanehili is the ancient Hawaiian name for this area, not "Kalaeloa." Kalaeloa was just another land developer created name, like "Hoopili" is for Honouliuli and "East Kapolei" is for Ewa. It makes it a lot more easy and convenient to bulldoze historic and cultural areas when they can't be remembered and linked to the past cultural history. At least DHHL did some native Hawaiian research when they named their nearby home development projects Kaupē'a and Kanehili. These are the true local area cultural names according to Hawaiian oral history. Ewa's history is still largely ignored.

HCDA's Kalaeloa is a Wild West area where developers make the rules they want. HCDA needs to be SHUT DOWN with by House Bill 1864 in the hope that some zoning and planning law and order can be established in this HCDA developer free fire zone. This is NOT what the local community wants!

John Bond, President, Kanehili Cultural Hui

*BELOW: The HART Federal EIS has designated this Kanehili area as a National Register Eligible site for historic and cultural protection under State and Federal laws. It was the original intention of the community at the time of the Barbers Point Naval Base closure that significant historic and cultural sites would be forever protected for future generations to enjoy and not become just another paved over area like everything else in West Oahu.*



**HART EIS designated Leina a ka Uhane – Wahi Pana in 2012**



However this is the HCDA Kalaeloa agenda, to cover over everything with development and use a process of continuous land degradation and pollution with truckloads of unchecked dump materials, including very dangerous substances known to cause genetic mutations and cancer. At the Kalaleoa shore the public is swimming in this chemical pollution and eating the remaining contaminated coastal food resources that haven't yet been killed off. And they say this is about the "Keiki and the future"?

Please pass House Bill 1864 and end this historic and cultural destruction!

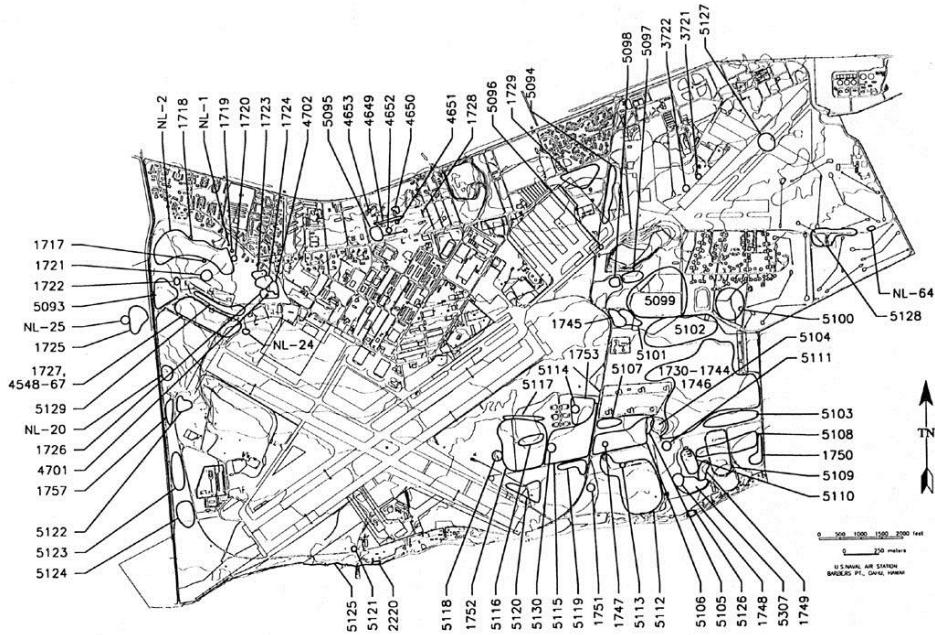
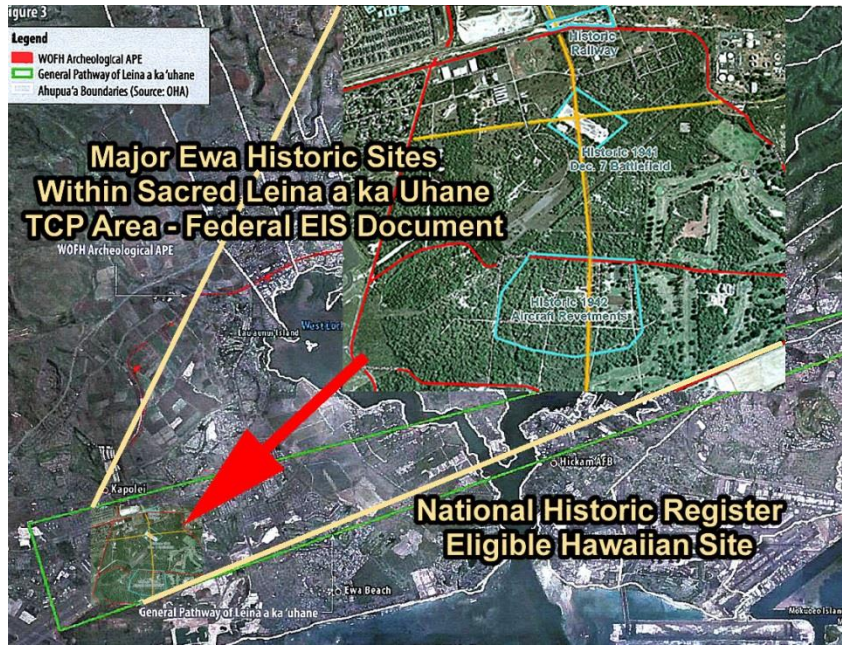
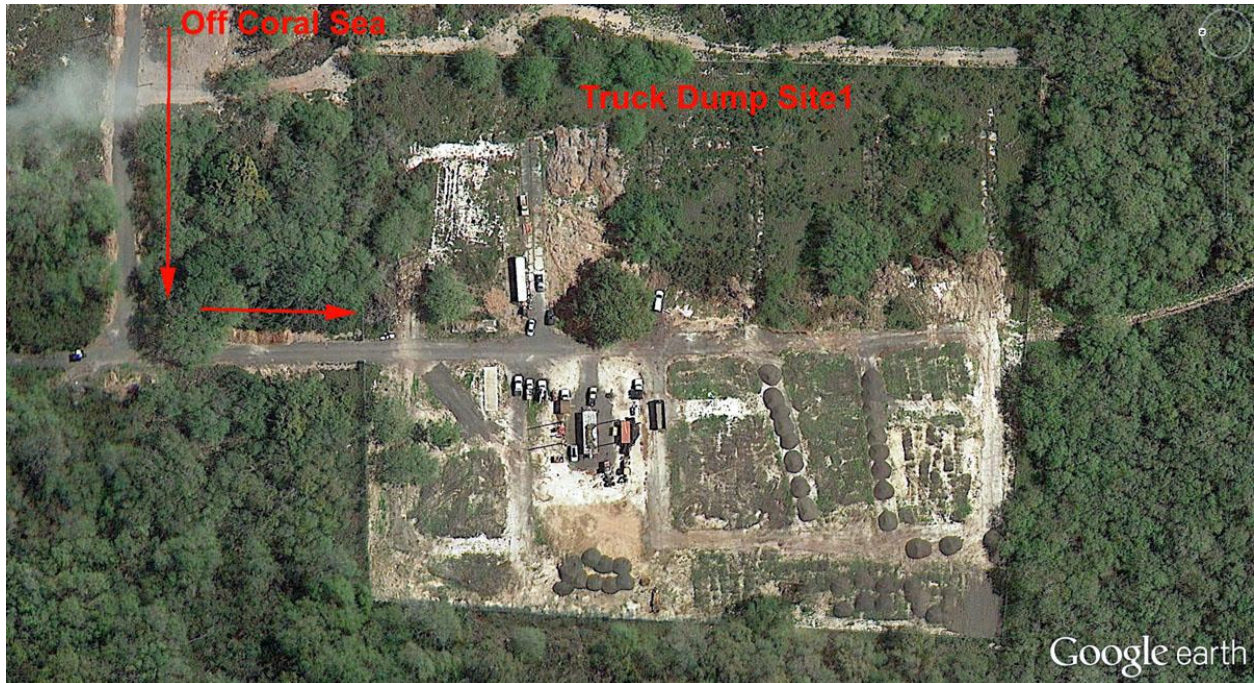


Figure 28. Archaeological and historical sites of NAS Barbers Point.





*Large areas within former Naval Air Station Barbers Point in 1997 were NEVER adequately surveyed for important native Hawaiian cultural sites. Much more information has now become available showing how very incomplete and random these past archeological surveys really were just to meet deadlines.*

*Kanehili Cultural Hui has found there are large areas of unidentified Hawaiian trails, habitations and cultural areas that have never been adequately surveyed in what is really ancient Kanehili and which only in April 2012 was it established that this area is a major Oahu wahi pana called the Leina a ka 'Uhane.*









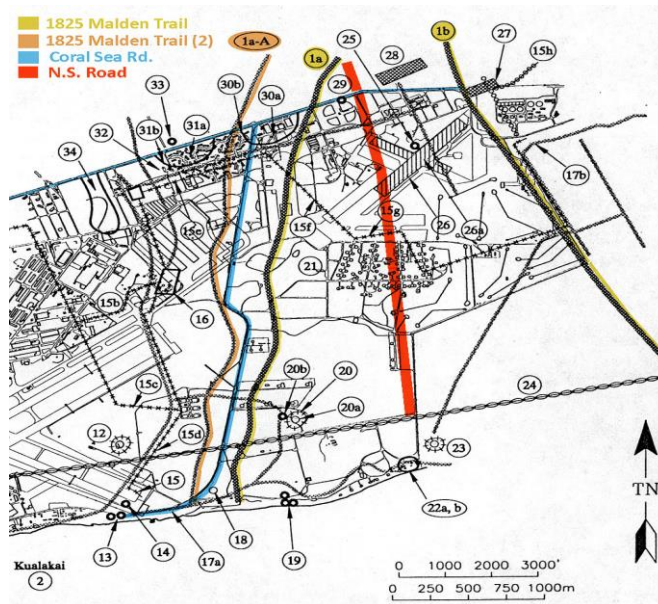
Table 7 presents the Leina a ka 'uhane as a single sacred and storied place, identifying the applicable ahupua'a, theme, National Register criteria, and integrity of relationship and condition.

**Table 7. Leina a ka 'Uhane with Associated Theme and National Register Eligibility Criteria.**

Wahi Pana	Ahupua'a	Theme	National Register A	National Register B	Integrity of Relationships	Integrity of Condition
Leina a ka 'uhane	Hālawa Moanalua, Waiau, Waimano, Pu'uloa, Honouliuli	2	Associated with pattern of events – Leaping off place to the spirit world	Associated with the akua Kānehili, Leiolono, and Milu	TBD	TBD

In our opinion, each of the 26 individually identified wahi pana, as well as the Leina a ka 'uhane, likely has integrity of relationship. Wahi pana are sacred and storied places on the land and our archival research and informant interviews suggest that these storied places are important to the retention and or transmittal of knowledge and beliefs about the land and history of the Hawaiian People on O'ahu.

HART EIS 2012 study by Kumupono LLC and SRI, Inc. shows National Register Eligibility for Kanehili Leina



Navy BRAC of NASBP by Tuggles (IARII) shows Kanehili Trails and important sites HCDA wants destroyed.

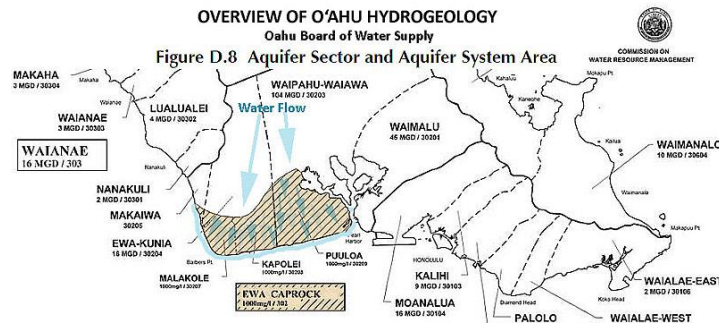


British Royal Navy 1825 Maiden Trails map shows ancient Hawaiian Trails in Kanehili, Honouliuli.

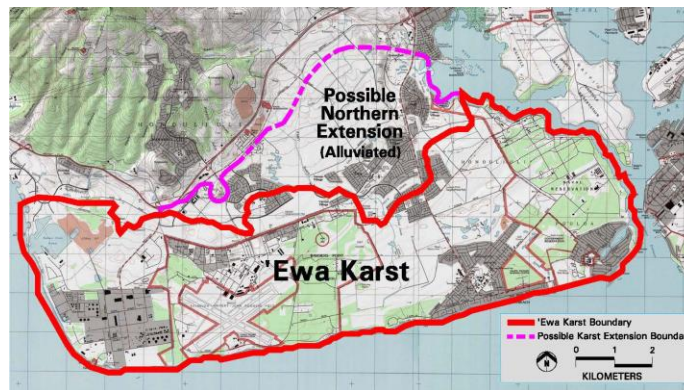




HART lists important sites and Kanehili Leina falls just below the East Kapolei Station site



Hydrogeology map shows mountain to shore water flow through “caprock” (Karst)



Ewa Karst is actually a very porous ancient 100,000 year old reef, and result of past higher sea level.



**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 05, 2014 8:00 PM  
**To:** waltestimony  
**Cc:** evalaviva@gmail.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eva Gallegos	Individual	Support	No

Comments: I agree with a one year moratorium on development approvals.

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The Howard Hughes Corporation  
1240 Ala Moana Boulevard  
Suite 200  
Honolulu, Hawaii 96814

February 8, 2014

Honorable Cindy Evans, Chair  
Honorable Nicole Lowen, Vice Chair  
House Committee on Water & Land

**RE: HB 1865 – Relating to the Hawaii Community Development Authority – IN OPPOSITION**  
**Hawaii State Capitol, Rm. 325; 8:30 AM**

Aloha Chair Evans, Vice Chair Lowen and Members of the Committee,

The Howard Hughes Corporation, and its wholly-owned subsidiary Victoria Ward, Limited (“VWL”) strongly oppose HB 1865, which imposes a one-year moratorium on the Hawaii Community Development Authority’s approval of any plans or proposals for development in the Kakaako Community Development District.

This bill infringes upon VWL’s vested rights to develop under its Ward Master Plan and development permits. The effective period of the Ward Master Plan is 15 years, through January 2024. All 15 years are required in order to properly implement the Plan. HB 1865 removes 1 year from the 15-year effective period, which will impose significant adverse economic impacts, interfere with distinct investment-backed expectations, jeopardize contractual obligations, and call into question expectations that have been legitimately relied upon.

We respectfully request that you hold HB 1865. Thank you for the opportunity to provide comments.

David Striph  
Senior Vice President-Hawaii

*Howard Hughes*

From: mailinglist@capitol.hawaii.gov  
Sent: Thursday, February 06, 2014 12:47 PM  
To: waltestimony  
Cc: bknunies@gmail.com  
Subject: Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bernard Nunies	Individual	Support	No

Comments: City Planning 101 calls for Infrastructure to be addressed before Development, yet this is being done backwards in Kakaako. In 2013 the HCDA has approved 11 new developments, yet have failed to address the basic infrastructure concerns. No matter what the reports say, we still smell, daily, the challenges of the sewer. There are no elementary school capacity as reported by the DOE, so where will the keiki of the 20,000 new residents go to school? Allowing building to be built right next to each other, lacking a sense of privacy, safety, and security is not what smart development should allow. I strongly support this bill calling for a one year moratorium on development until infrastructure issues can be addressed along with other bills being heard that seek to limit, rein in, and even abolish the HCDA.

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The Pacific Resource  
**PARTNERSHIP**



Testimony of Cindy McMillan  
The Pacific Resource Partnership

House Committee on Water & Land  
Representative Cindy Evans, Chair  
Representative Nicole E. Lowen, Vice Chair

HB 1865 – Relating to the Hawaii Community Development Authority  
Saturday, February 08, 2014  
8:30 AM  
Conference Room 325

Dear Chair Evans, Vice Chair Lowen and members of the committee:

The Pacific Resource Partnership (PRP) is a labor-management consortium representing over 240 signatory contractors and the Hawaii Regional Council of Carpenters.

PRP opposes HB 1865, which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

This bill does not solve any of the issues raised by those who have voiced concerns about the Authority's decision-making process. It merely pushes the issues down the road.

We respectfully ask that the Committee defer this bill.

## lowen2-Lanaly

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 06, 2014 3:13 PM  
**To:** waltestimony  
**Cc:** sam@jtahawaii.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

### HB1865

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Sam Manuel	Individual	Oppose	No

Comments: February 6, 2014 Rep. Cindy Evans, Chair Rep. Nicole Lowen, Vice Chair House Committee on Water & Land 415 S. Beretania Street Honolulu, Hawaii 96813 Hearing: Saturday, February 8, 2014 – 8:30am Hawaii State Capitol, Conference Room 325 Re: HB 1864 –RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY Chair Evans, Vice Chair Lowen and members of the Committee: My name is Sam Manuel and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District. I am a young professional raised in Hawaii and am pleased with what's happening in Kakaako and what this means for my generation. Unfortunately, there are those that are against new developments in the Kakaako neighborhood. I kindly ask that you support myself and other young professionals like myself, and allow us to have the opportunity to live and work in urban Honolulu. Please, Honorable Representatives, Chairs and Committee members think of the younger generation and how important new development is to Hawaii's future. Thank you for the opportunity to testify in opposition to HB 1865. Sam Manuel

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Antonio Espiritu  
109 Karsten Drive  
Wahiawa, HI 96786

February 8, 2014

State of Hawaii House of Representatives  
House Committee on Water & Land  
Hawaii State Capitol  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Evans, Vice Chair Lowen and Members of the Committee,

Subject: HB 1860, HB 1861, HB 1863, HB 1864, HB 1865, HB 1866, and HB 1867  
Relating to the Hawaii Community Development Authority and the  
Kakaako Community Development District

I am *Antonio Espiritu*, a member of the Hawaii Regional Council of Carpenters.

I strongly urge your support of the Hawaii Community Development Authority (HCDA) and the vision of Kakaako. The authority and vision will:

- ✓ *Provide a live, work, play, mixed-use development in the urban-core*
- ✓ *Add new housing including affordable homes and homes for seniors – built by Hawaii workers*
- ✓ *Bring a sense of shared values with neighbors*
- ✓ *Create housing near public transit*
- ✓ *Generate new County and State taxes*
- ✓ *Address population growth and needs*
- ✓ *Create construction and permanent jobs*
- ✓ *Keep country, country*

We have waited a long time for the development of housing, parks, open areas, as well as new commercial and industrial space near the downtown core. Please don't make any changes and delay the vision of Kakaako.

Thank you for allowing me to share my views.

Sincerely,

Antonio Espiritu

Harold Slate  
225 Kaiulani Av #605  
Hon. Hi. 96815

February 8, 2014

State of Hawaii House of Representatives  
House Committee on Water & Land  
Hawaii State Capitol  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Evans, Vice Chair Lowen and Members of the Committee,

Subject: HB 1860, HB 1861, HB 1863, HB 1864, HB 1865, HB 1866, and HB 1867  
Relating to the Hawaii Community Development Authority and the  
Kakaako Community Development District

I am *Harold Slate*, a member of the Hawaii Regional Council of Carpenters.

I strongly urge your support of the Hawaii Community Development Authority (HCDA) and the vision of Kakaako. The authority and vision will:

- ✓ *Provide a live, work, play, mixed-use development in the urban-core*
- ✓ *Add new housing including affordable homes and homes for seniors – built by Hawaii workers*
- ✓ *Bring a sense of shared values with neighbors*
- ✓ *Create housing near public transit*
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- ✓ *Address population growth and needs*
- ✓ *Create construction and permanent jobs*
- ✓ *Keep country, country*

We have waited a long time for the development of housing, parks, open areas, as well as new commercial and industrial space near the downtown core. Please don't make any changes and delay the vision of Kakaako.

Thank you for allowing me to share my views.

Sincerely,

Harold Slate  
Outside1952@yahoo.com

Dellas Alexander  
[dellas96819@gmail.com](mailto:dellas96819@gmail.com)

February 8, 2014

State of Hawaii House of Representatives  
House Committee on Water & Land  
Hawaii State Capitol  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Evans, Vice Chair Lowen and Members of the Committee,

Subject: HB 1860, HB 1861, HB 1863, HB 1864, HB 1865, HB 1866, and HB 1867  
Relating to the Hawaii Community Development Authority and the  
Kakaako Community Development District

I am Dellas Alexander, a member of the Hawaii Regional Council of Carpenters.

I strongly urge your support of the Hawaii Community Development Authority (HCDA) and the vision of Kakaako. The authority and vision will:

- ✓ *Provide a live, work, play, mixed-use development in the urban-core*
- ✓ *Add new housing including affordable homes and homes for seniors – built by Hawaii workers*
- ✓ *Bring a sense of shared values with neighbors*
- ✓ *Create housing near public transit*
- ✓ *Generate new County and State taxes*
- ✓ *Address population growth and needs*
- ✓ *Create construction and permanent jobs*
- ✓ *Keep country, country*

We have waited a long time for the development of housing, parks, open areas, as well as new commercial and industrial space near the downtown core. Please don't make any changes and delay the vision of Kakaako.

Thank you for allowing me to share my views.

Sincerely,



Dellas Alexander

## lowen2-Lanaly

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 1:52 PM  
**To:** waltestimony  
**Cc:** scoleman@surfrider.org  
**Subject:** Submitted testimony for HB1864 on Feb 8, 2014 08:30AM

### HB1864

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Stuart Coleman	Individual	Support	No

Comments: My name is Stuart Coleman, and I am a writer, teacher and pro-activist in the McCully area. I'm writing to express my strong support for HB 1864. I strongly support abolishing HCDA because this shadowy government agency has no oversight and has shown a reckless desire to develop Kaka'ako. I also support other bills that curb their actions, including those being heard on 2/8: HB1860, HB1861,HB1863,HB1865,HB1866,AND HB1867.

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## Support Bills in Legislature re HCDA

I support all of the bills, HB1860 through HB1867, introduced by Representative Scott Saiki and others since all contain some measure of restraint on the Hawaii Community Development Authority (HCDA). HCDA needs to be restrained and reconstituted or repealed because of excessive use of its power and authority to favor developers' interests over the well-being of the Kaka'ako community. My comments relate to the Kaka'ako mauka/makai area.

I support **HB1860** since it requires accountability and transparency in HCDA's actions; provides for contested case proceedings with judicial review, expanded public notice requirements, and legislative authority over amendments to mauka and makai area plans and rules; defines Kaka'ako community development policies; and requires comprehensive studies and plans for infrastructure capacity in the area plus a requirement to impose impact fees on developers.

I support **HB1861** since it reiterates and expands on much-needed provisions of HB1860.

I support **HB1862** since it addresses issues of "reserved housing" and "affordable housing" under Hawaii Revised Statutes that have not been properly defined or carried out by HCDA. It would require HCDA to implement affordable housing policies that are in greater conformity with those of the City and County of Honolulu.

I support **HB1863** since it provides for minimum horizontal separation of 300 feet between buildings that are more than 100 feet in height. (HCDA recently approved a developer's proposals at 801 South Street for buildings more than 100 feet in height to be immediately adjacent to each other, an egregious example of what HCDA is willing to do.) Since HCDA needs to be restrained, eliminating its budget for one year would be one way to do it.

I especially support **HB1864** since it repeals the authority of HCDA under Chapter 206E, Hawaii Revised Statutes, while providing for an orderly transition of duties and functions from HCDA to the City and County of Honolulu, and includes job protection with the State for current HCDA employees. A seamless transition over a one-year period to the City and County is a better option than trying to reform or reconstitute HCDA.

Kaka'ako has grown so much in population and is expected to grow more with projects already approved that it needs to be fully integrated with the larger Honolulu community under City and County auspices. Infrastructure in particular needs to be integrated, and the rail line with stations in Kaka'ako also points to needed integration.

I also especially support **HB1865** which places a one-year moratorium on HCDA approving any plans or proposals for development in the Kaka'ako community development district. A one-year moratorium would provide time for the legislature to consider the best long-term considerations for Kaka'ako, where developments already approved plus those under construction in many cases exceed the capabilities of infrastructure in the area.

I support **HB1866** since it provides for reconstituting HCDA with members to be appointed from lists of nominees received from the state legislature and other community entities rather than largely from the executive branch. An important feature of this bill is that HCDA's rule making and various operations would be subject to prior approval by the legislature.

I support **HB1867** for its amendments to Chapter 206E, Hawaii Revised Statutes: HCDA must require, prior to receipt of any application for a development permit, a project eligibility review of the development project, and shall obtain approval from applicable governmental agencies regarding the adequacy of infrastructure requirements. HCDA may not grant any variance, exemption, or modification to any provision of any rule or development plan relating to maximum floor area ratio. Limits on building heights and distance between buildings are also important.

Provisions of **HB1867** are important to have in addition to those of other major bills in the **HB1860's** list. If measures in this bill had been in effect, HCDA would not have been able to accept applications for several development projects they recently approved.

For example, HCDA accepted the developer's application for 801 South Street, Phase 2, without requiring the Traffic Impact Assessment Report (TIAR) requested by the City and County Department of Transportation Services. HCDA's website for the proposed development includes a July 2013 memorandum from a traffic management company in Honolulu that primarily describes street improvements and level of service on Kawaiahao Street, the Phase 1 side of the block, not useful for Phase 2. Since the Phase 1 garage now under construction has 915 parking stalls for 635 units in the residential tower, even though there's an alley connecting the two, the driveway to Kawaiahao will have its own traffic buildup, not useful for Phase 2 which exits to Kapiolani Boulevard. The memo's statement about level of service to Kapiolani is incorrect compared to McKinley High School's 2011 EIS traffic analysis. A trip generation summary is clearly inaccurate based on the 788 parking stalls planned for the Phase 2 garage.

HCDA should have rejected the developer's traffic memorandum as inaccurate and inadequate for the purpose for which it was submitted. As of today, in the first week in February 2014, the inaccurate traffic memorandum remains on HCDA's website and there is no TIAR as requested by Director Michael Formby of the Department of Transportation Services. HCDA ignored the City and County request and approved Phase 2 development without a TIAR.

Everyone who drives in and out of downtown Honolulu, especially the Capitol district, via Kapiolani, King Street or South Street should be concerned about the additional 1700 vehicles from the two units of 801 South that will be driving in and out of one block immediately back of the historic Advertiser/News building.

Another example of HCDA disregarding its own rules and government agency requirements is their failure to require the developer at 801 South Street, Phase 2, to submit their plans for the historic Advertiser/News building on the property to the State of Hawaii's Department of Land



and Natural Resources for review. A letter dated August 29, 2013 from an official in a division of that department to HCDA's executive director reminded HCDA of the requirement according to HCDA's 2011 Mauka Area Rules. According to the rules which apply to all historical or culturally significant properties, a written letter of concurrence from the State Historical Preservation Division (SHPD) shall be included with the permit application to HCDA, and all SHPD requirements shall be completed by the developer prior to submitting the application.

If HB1867 had been in effect at the time, HCDA would not have been able in September 2011, effective November 11, 2011, to write the one and one-half page subchapter on Workforce Housing Project(s) rules that was tacked onto the end of Kaka'ako Reserved Housing Rules in Title 15, Subtitle 4, Chapter 218. The subchapter says workforce housing project(s) shall receive a floor area bonus of one hundred percent (double density FAR), provided that such bonus floor area shall be used for workforce housing project(s) only. Being able to build up to a double density FAR is a large financial benefit for developers.

One of the criteria for determining that a project is a workforce housing project is when it does not require financial assistance for construction from Federal, State, or County governmental bodies. Claiming that 801 South Street was workforce housing, the developer applied for modification to build a free standing 107-foot high parking structure rather than a 65-foot high podium parking structure in order to be more cost effective. We do not understand why increased floor area density and construction modifications approved by HCDA are not considered financial assistance from a governmental body.

Another example of HCDA disregarding its own rules: Under 2005 Mauka Area rules on affordability criteria, one-half of a percentage point (0.5%) could be subtracted from six-months average interest rates on thirty year fixed rate mortgages. In 2011 Mauka Area rules the affordability criteria did not include subtraction of 0.5%. Yet in its August 2013 permit application for 801 South Street, the developer subtracted 1/2% from the six month average and HCDA accepted the application. Other factors not questioned by HCDA point to a project given benefits of a workforce housing project that may not actually meet the defined criteria.

A Star Advertiser article of August 22, 2012 said a developer (who was later the developer of 801 South Street) had a deal to buy the News Building property but hadn't completed a sale. The article also said HCDA executive director Anthony Ching had met with representatives of the developer about the project. The Kaka'ako community and others in Honolulu appreciate news reports of development projects; HCDA isn't likely to inform us. The 801 South Street project is one of many that need the attention of concerned citizens. In the meantime, I support HB1864 that repeals HCDA's authority and others that limit its authority.

Thank you for the opportunity to comment on proposed legislation.

Mary Caywood, [geckoyard@hotmail.com](mailto:geckoyard@hotmail.com)



# KAMEHAMEHA SCHOOLS

February 7, 2014

## WRITTEN TESTIMONY TO THE HOUSE COMMITTEE ON WATER AND LAND

By

Walter F. Thoemmes  
Kamehameha Schools

Hearing Date: February 8, 2014  
8:30 a.m. Conference Room 325

To: Representative Cindy Evans, Chair  
Representative Nicole E. Lowen, Vice Chair  
Members of the House Committee on Water and Land

**RE: House Bill Nos. 1864 and 1865 Relating to the Hawaii Community Development Authority  
(collectively, the “Bills”)**

Kamehameha Schools submits the following testimony objecting to the above listed Bills:

KS has spent years and valuable resources to help the State begin to realize its goal of a planned live-work-play urban community, as embodied in Kaka`ako’s Mauka Area Rules initially adopted in 1982. KS’ legacy lands covered by the Kaiāulu `O Kaka`ako Master Plan (the “Master Plan”) are a vital part of realizing this goal. KS, its developers, the labor industry, and Honolulu residents waiting in long lines for the opportunity to purchase a home in this urban core see this urban community finally becoming a reality.

There is reason for the unprecedented momentum for Kaka`ako projects. Although solving residential housing solutions through the revitalization of deteriorating urban areas has been prioritized by the State government since 1976, we are poised at a rare crossroads where the economy, the public, developers, lenders, investors, the labor industry, and area stakeholders have aligned. Like the embers of a new fire, the birth and development of a community is complex, and requires both a long-term commitment and momentum to carry us forward.

The current momentum is the product of the community’s recognition of this unique timing and a re-affirmation that the Master Plan provides the framework necessary to fulfill the community’s needs. If we fail to recognize that the Master Plan is the product of input from all parts of the community, we risk cutting off the momentum built on years of careful planning and study. The wishes of early entrants to maintain the status-quo must be balanced against the thousands of residents who will benefit now and for years to come by fulfillment of the Master Plan. This neighborhood is envisioned as a place for kama`aina to live. We must take advantage of this momentum and the balanced planning afforded by the



Representative Cindy Evans, Chair  
Representative Nicole E. Lowen, Vice Chair  
Members of the House Committee on Water and Land  
Testimony relating to House Bill Nos. 1864 and 1865 Relating to the Hawaii Community Development Authority  
February 7, 2014  
Page 2

Master Plan to effect this vision. Once the momentum is lost, we may not have another opportunity in the future.

The repeal of the Hawaii Community Development Authority (“HCDA”) or a one-year moratorium on HCDA’s approval authority of any plans or proposals for development in the Kakaako Community Development District would have long-term negative impacts on both employment opportunities and much needed housing opportunities for our kama`aina.

Thank you for this opportunity to express our opposition to these Bills.

**HB 1865  
RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY**

**PAUL T. OSHIRO  
MANAGER – GOVERNMENT RELATIONS  
ALEXANDER & BALDWIN, INC.**

**FEBRUARY 8, 2014**

Chair Evans and Members of the House Committee on Water & Land:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on HB 1865, “A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.” We respectfully oppose this bill.

In 1976, the Legislature found that Kaka’ako was significantly under-utilized relative to its central location in urban Honolulu and recognized its potential for growth and development and its inherent importance to Honolulu as well as to the State of Hawaii. The Hawaii Community Development Authority (HCDA) was therefore established to promote and coordinate planned public facility development and private sector investment and construction in Kaka’ako. By having a regulatory body completely focused on the planning and zoning for Kaka’ako, it was envisioned that this would result in the effective development of this key economic driver.

The purpose of this bill is to impose a one year moratorium on the HCDA’s approval of any plans or proposals for development in the Kaka’ako Community Development District. We oppose this bill as we believe that it will have a significant negative impact upon the future of Kaka’ako and Hawaii’s on-going economic recovery.

With the continued improvement in Hawaii's economy, renewed interest has evolved in furthering the overall vision of Kaka'ako as a vibrant community of residents, businesses, and community facilities and events. The residential housing component of this vision has especially flourished over the past year, with numerous projects that were previously incorporated into and approved in area master plans moving towards fruition. Should this bill be passed to impose a one year moratorium on development in Kaka'ako, this action will disrupt the economic momentum that is presently in-place to provide much-needed places to live, work, and play for the people of Hawaii. This critical mass that is beginning to emerge is key to realizing the vision of Kaka'ako.

We are currently in a favorable economic cycle, with an active real estate market. No one knows how much longer this cycle will last. With significant time delays the likely result of the passage of this bill, some projects may miss the present favorable market conditions and subsequently may not get built. Without the construction of additional residential units in Kaka'ako, we believe that the achievement of the vision will be significantly delayed, as the critical mass of residents necessary to sustain a safe community and viable area businesses may not become a reality.

Kaka'ako represents an important component in the continued stimulation and sustaining of Hawaii's economy. We believe that the imposition of a moratorium on development in Kaka'ako at this time may negatively impact the future of Kaka'ako along with Hawaii's economic recovery.

Based on the aforementioned, we respectfully request that this bill be held in Committee. Thank you for the opportunity to testify.

**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 06, 2014 9:40 PM  
**To:** waltestimony  
**Cc:** eddiejohnson@yahoo.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eddie Johnson	Individual	Support	Yes

Comments: I support HB 1865 because I am deeply concerned about the ongoing uncontrolled rate of development approvals (particularly condo tower approvals) by HCDA. Therefore, I agree with a 1-year moratorium on development project approvals by HCDA.

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From: mailinglist@capitol.hawaii.gov  
Sent: Thursday, February 06, 2014 9:53 PM  
To: waltestimony  
Cc: amybugala@yahoo.com  
Subject: Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Bugala	Individual	Support	No

Comments: I support HB 1865 because I am deeply concerned about the ongoing uncontrolled rate of development approvals (particularly condo tower approvals) by HCDA. Therefore, I agree with a 1-year moratorium on development project approvals by HCDA.

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**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 06, 2014 11:33 PM  
**To:** waltestimony  
**Cc:** candychoi68@gmail.com  
**Subject:** \*Submitted testimony for HB1865 on Feb 8, 2014 08:30AM\*

**HB1865**

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Candy Choi	Individual	Support	No

Comments:

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**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 06, 2014 11:49 PM  
**To:** waltestimony  
**Cc:** bsuzui@msn.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bryan Suzui	Individual	Support	No

Comments: In Strong Support of HB 1865 Chairperson Evans and members of the House Committee on Water and Land, I support HB 1865. High- rise condos are being approved very swiftly in Kakaako. But will all these people have their infrastructure needs met? I think it would be wise to step back for a moment. The moratorium mentioned in this bill is a good idea. We need to make sure that people's health, safety, and welfare are not being compromised. Do we have enough schools, medical facilities, streets, parks, sewers, and drainage for everyone who lives here, and for everyone on the way? We should find out the answers before any more approvals. Please pass HB 1865. Thank you for your attention.

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Testimony of  
Sharon Y. Moriwaki  
Before the  
House Committee on Water & Land  
Saturday, February 8, 2014, 8:30 a.m., Conference Room 325

**In Support of HB 1865,  
Relating to the Hawaii Community Development Authority**

Chairperson Evans and Members of the House Committee on Water and Land

My name is Sharon Moriwaki. I am a resident of Kaka’ako and president of Kak’ako United, an organization of citizens concerned about Kaka’ako’s future.

We have entrusted in HCDA, the state agency supposedly the steward of Kaka’ako, with implementing plans and rules developed with citizens and approved by the governor. Unfortunately, HCDA has approved projects that violate the zoning and rules and has failed to adequately address infrastructure problems and the concerns by residents, businesses and users of Kaka’ako.

HCDA has approved 11 projects in the past year without regard to the surrounding community. It has not completed a comprehensive plan to address the capacity of the infrastructure to accommodate the additional 37 high rises and 30,000 people. The legislature must direct it to do so before it destroys the last 450 acres along the shoreline in downtown Honolulu.

Until HCDA completes the plan to address the infrastructure problems and follows the rules in existing plans, the legislature should impose a moratorium on any additional project approvals. HCDA must respect the land and people in the districts it serves—those living, working, and using Kaka’ako.

Rules must be applied consistently to everyone. HB 1865 will make HCDA follow the plans and rules that are in place and address Kaka’ako’s inadequate infrastructure BEFORE approving any more projects. We therefore urge you to pass HB1865.

Thank you for the opportunity to testify.



*Thomas Lee Travis*

**RR 2 Box 3317**

**Pahoa, Hi 96778**

email: [ttravis12@mac.com](mailto:ttravis12@mac.com)

mobile: (757) 639-7364

**Members fo the Water and Land Committee:**

Much like the Public Land Development Corporation (PLDC), the Hawaii Community Development Authority (HCDA) was conceptually flawed in its creation and, to the degree it continues to exist, must be changed to meet the needs of Hawaii. it was created to streamline administrative procedures needed to begin community developments. But the streamlining power given to the HCDA cut to bone, removing community planning, community hearings, and opportunities for community recourse with disagreement.

Although justification for economic reasons might be made, it is wrong headed for State government to bypass local desires, direction, and planning.

Communities should be given full voice and control of their cultural, social, environmental, visions for the future. The State of Hawaii should not preempt the local decision making, but instead should champion it. Emphasis on reestablishing local initiative serves several very important purposes:

- It breaks up the partnerships between big business and other powerful lobbies and the government, leveling the playing field for smaller and more innovative players.
- It will move us to a more sustainable model, as each community attempts to preserve what is considered best in that community.
- It will incentivize those with business interests to work with the local people, learning about the community and responding to it, rather than simply influencing the State Government through lobbying and political contributions.

Although passage of HB 1865 will not restore the needed local influence, it is a step in the right direction. I strongly urge you to support this bill.



HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY



KAKAOKO  
KALAELOA

Neil Abercrombie  
Governor

Brian Lee  
Chairperson

Anthony J. H. Ching  
Executive Director

461 Cooke Street  
Honolulu, Hawaii  
96813

Telephone  
(808) 594-0300

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Web site  
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STATEMENT OF

ANTHONY J. H. CHING, EXECUTIVE DIRECTOR  
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE

SENATE COMMITTEE ON WATER & LAND

ON

Saturday, February 8, 2014

8:30 A.M.

State Capitol, Conference Room 325

in consideration of

**H. B. 1865 – RELATING TO THE HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY.**

**Purpose:** Establishes a moratorium where the HCDA shall be prohibited from approving any plans or proposals for development in the Kakaako Community Development District.

**Position:** I offer my comments in opposition to this proposal. I am also obliged to note that this reflects my own opinion and not that of the Authority as I have not had the opportunity to elicit their response and collective opinion.

Existing master plan permittees (Kamehameha Schools and Victoria Ward/Howard Hughes Corporation) are required to produce qualified income/low-moderate income housing units as a function of their proposed development nearly one fourth or 90+ acres of the 400 total acres. Other individual projects affecting all landowner and stakeholders in the district will be adversely affected. I offer the following comments.

Testimony reflects the view and position of the Executive Director and not that of the Authority.

- The Kamehameha Schools Keauhou Lane/Block A and Block B projects were scheduled to be heard in 2014 and will be impacted and given changing market conditions and timing may be lost. The delay or loss of these projects will necessarily preclude the development of up to 200+ qualified income/low-moderate units that are sorely needed.
- Imposition of a moratorium will have a chilling effect on our State's recovering construction industry and economy.
- Existing small businesses/landowners will not be able to pursue permission to develop improvement or development projects during the moratorium year.
- The moratorium will necessarily stall improvement or development projects for which infrastructure exists, financing is available and there is an interest in investing money into the community development district.
- The planned 690 Pohukaina Development (featuring up to 800 qualified income/workforce housing rentals and civic facilities) would be delayed.
- The planned \$20M Kewalo Basin Harbor improvements and development project would be delayed and likely affect the existing 144 tenants.

Thank you for the opportunity to provide my comments in opposition to this proposal.

From: mailinglist@capitol.hawaii.gov  
Sent: Friday, February 07, 2014 8:24 AM  
To: waltestimony  
Cc: barb@punapono.com  
Subject: Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barb Cuttance	Individual	Support	No

Comments: Thank you for hearing HB1865, I strongly support this bill. Places a one-year moratorium on HCDA by prohibiting the approval of any plans or proposals for development in the Kakaako community development district NOTE: HB 1865 is only a short-term solution to the long-term problem of carving out sections of an island and creating community development districts. Oahu has 3 community development districts - Kakaako, Kalaeloa (formerly, Barbers Point) and Heeia - governed by an appointed board HCDA, which is neither accountable to the public nor transparent. Please pass this bill. Barbara Cuttance 14/266 Papaya Farms Road Pahoa, Hawaii 96778

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*A'ohe hana nui ka alu'ia*  
*"No Task Is Too Big When Done Together By All"*

**HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO**

735 Bishop Street, Suite 412 \* Honolulu, Hawaii 96813  
(808) 524-2249 - FAX (808) 524-6893

**KIKA G. BUKOSKI**  
*Executive Director*

February 7, 2014

**EXECUTIVE BOARD**

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Hawaii Teamsters & Allied  
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**VAUGHN CHONG**  
Roofers, Waterproofers & Allied  
Workers United Union of Roofer  
Local 221

Honorable Representative Cindy Evans, Chair  
Honorable Representative Nicole Lowen, Vice Chair  
Members of the Committee on Water and Land  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**RE: IN OPPOSITION TO HB1865 RELATING TO HCDA**  
Hearing: Saturday, February 8, 2014, 8:30 a.m. Conference Room 325

Honorable Chair, Vice Chair and Committee Members;

The Hawaii Building & Construction Trades Council, AFL-CIO is a chartered member of the Building and Construction Trades Department, AFL-CIO which was first organized in 1908 and comprised of 16 out of 17 construction trade unions with 386 state, local and provincial councils in the United States and Canada and an estimated 15,000 members locally. Our primary mission being to provide employment opportunities and living wages for many of Hawaii's working men and women in the construction industry.

The Council respectfully OPPOSES HB1865, which imposes a one-year moratorium on the HCDA's approval of any plans or proposals for development in the Kaka'ako Community District.

The Hawaii Community Development Authority was created in 1976 by the State Legislature to plan future developments of underutilized urban areas in Hawaii. In an effort to balance the increasing challenges of urban sprawl, preserving open space, promoting local agriculture, planning for future growth, and reinvigorating and maximizing high density urban core areas, HCDA has risen to that challenge and the charge given them over three decades ago.

We understand and appreciate that not all will agree with change, especially when it might directly and adversely impact individuals, but sometimes change is necessary in order to evolve and adapt for continued growth and sustainability.

HCDA is not just a single community's issue. It's an island wide issue and a piece of a larger "General" Plan that includes Ewa (Kalaeloa) and Windward (Ko'olaupoko) O'ahu. It's an island wide initiative to direct smart growth concepts to certain areas of the island for certain area specific reasons in order to maximize the efficiencies and deficiencies of the area and improve on what's currently there.

Infrastructure, roadways, modes of travel, maximizing and reinvigorating existing footprint, economic opportunity, quality of life...although just a few, these are all part of the overall plan to improve O'ahu.

The provisions in HB1865 contravene the stated intent and purpose of HCDA as envisioned in 1976. It took great vision and courage to adopt such forward thinking legislation over three decades ago.

It takes even greater vision, coupled with perseverance, resolve, commitment and fortitude to 'realize' that vision and "stay the course"

A known philosopher-poet, Ralph Waldo Emerson once quoted,

"Whatever course you decide upon, there is always someone to tell you that you are ...

There are always difficulties arising that tempt you to believe that your critics are right...

To map out a course of action and follow it to an end requires courage."

This is not 'just' about jobs, this is not just about one community, or one or two individuals, this about recognizing the possibilities (HCDA) before us, identifying and evaluating all of the variable externalities, concerns and considerations; applying the best methods of sustainable planning available today and plotting a 'course' for O'ahu's future...the kind of future we would want to pass on to our next generation.

We urge you to reconsider this measure and allow the Hawaii Community Development Corporation to realize the vision of a "Better O'ahu".

Thank you for the opportunity to provide comments in opposition to HB1865.

*A'ohe hana nui ka alu'ia*  
*"No Task Is Too Big When Done Together By All"*



## lowen2-Lanaly

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 9:38 AM  
**To:** waltestimony  
**Cc:** aycockburr@aol.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

### HB1865

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Virginia Aycock	Individual	Support	No

Comments: Dear Representatives, Please pass HB1865 to Impose a one year moratorium from July 1, 2014 – June 30, 2015 on the approval of plans and proposals in Kakaako.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 9:52 AM  
**To:** waltestimony  
**Cc:** CLSKWOCK@GMAIL.COM  
**Subject:** \*Submitted testimony for HB1865 on Feb 8, 2014 08:30AM\*

**HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
CHU LAN SHUBERT-KWOCK	Individual	Support	No

Comments:

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February 8, 2014

**The Honorable Cindy Evans, Chair**  
House Committee on Water & Land  
State Capitol, Room 325  
Honolulu, Hawaii 96813

**RE: H.B. 1865, Relating to the Hawaii Community Development Authority**

**HEARING: Saturday, February 8, 2014, at 8:30 a.m.**

Aloha Chair Evans, Vice Chair Lowen, and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® (“HAR”), the voice of real estate in Hawai'i, and its 8,300 members. HAR **offers comments** on H.B. 1865 that imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in Kakaako Community Development District effective on July 1, 2014 through June 30, 2015.

Kakaako has long been envisioned by state planners to become a dense piece of Honolulu's urban core. In 1976 the Legislature recognized the lack of timely revitalization of underutilized urban communities in the State, and determined that a new concept of urban planning and redevelopment was needed to supplement traditional methods. Therefore, the legislature created the Hawaii Community Development Authority.

HAR defers policy decisions with policy makers but we note the realities of supply and demand and lack of decent and affordable housing for all income levels.

Hawaii needs 5,000 new housing units each year for children who grow up, and that's before talking about high-end investors. Oahu needs, on top of the 3,500 new units annually in the next several decades for new households, at least another 15,000 new units to make up for the shortfall just in the 21st century to date. Essentially, low production, low inventory, accelerating home price appreciation, and a potential for \$1 million median Oahu single-family existing home sales price could be just around the corner.

Homebuilding hasn't exceeded 2% of Oahu's housing stock since the 1970s tightening of land use laws and zoning ordinances and the rise of development prohibition, moratoriums and NIMBY. Hawaii DBEDT Chief Economist Dr. Eugene Tian estimates that about 1% of the existing Oahu housing stock must be built annually to accommodate new household formation from population growth

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It is in the best interests of REALTOR®, our fiduciary clients, and the community to have a vigorous, heterogeneous housing market with housing availability across the price spectrum and across space. The affordable housing debate should be broadened to encompass zoning reform, not just public or subsidized construction programs.

Evidence may suggest that zoning is responsible for high housing costs, which means that if we are thinking about lower housing prices, we should begin with reforming the barriers to new construction in the private sector.

Economic data shows we have greater housing demand than supply, from affordable to luxury residential divisions of the market. We support national smart growth guidelines and "Live, Work, Play" designs: thoughtful design details for neighborhoods to become more sustainable, hoping to alleviate traffic and create communities where people have a "sense of place."

Whether HCDA exists or not, there is a critical need for efficiency and superbowl teamwork and cooperation, from State & City planning departments. Timing is crucial for buyers, developers and our economy which all could benefit with market conditions today. When the market moves robustly the State, City and tax revenue should also benefit.

Mahalo for the opportunity to offer comments on this measure.

**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 11:07 AM  
**To:** waltestimony  
**Cc:** vsc@hawaiiintel.net  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victoria Cannon	Individual	Support	No

Comments: We support this bill. Although this bill is a short term solution, we need more accountability and transparency from the HCDA. It is out of control. Victoria and Trudy Cannon

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Testimony of

Cara Kimura

Before the House Committee on Water and Land

Saturday, February 8, 2014

House Bill 1865: Relating to the Hawaii Community Development Authority

My name is Cara Kimura and I am in support of HB1865 and the other bills before you today. I have lived in Kakaako for the past 15 years and have lived on Oahu my entire life (45 years). As a lifelong resident of Honolulu, I recognize that many places have lost their former charm and livability, even within my lifetime -- places like Waikiki and Makiki. I do not want Kakaako to become the next victim.

While working part-time as an oral history transcriptionist, I had the opportunity to hear the stories of men and women who survived the attack on Pearl Harbor, most of whom are retired military veterans. Many of them have returned to Oahu for reunion gatherings on the anniversary of the attack. A common remark often made by the survivors is how much Hawaii, specifically Waikiki, has changed in the decades since World War II. This comment is usually made with great sadness. They reflect that much of the natural beauty of Waikiki they once enjoyed is now obscured by an overabundance of hotels and luxury stores. They miss the things that made Waikiki a favorite spot for shore leave and recreation. Locals often say something similar -- Waikiki holds no appeal for them, they only go to Waikiki if they have to, avoiding the traffic, congestion and overpriced stores whenever possible. The same fate awaits Kakaako without legislative intervention.

Much has been said about the planned development of Kakaako - promises of a walkable neighborhood, a mix of low-, mid- and high-rise buildings, pedestrian-friendly plazas and bike paths -- a place where residents can live, work and play. Unfortunately, in its fervor to spur development in our district, the Hawaii Community Development Authority (HCDA) has significantly reneged on these promises to make concessions in favor of developers who are just



looking to build big profits instead of the real community that we all deserve.

Most recently at the hearings for 801 South Street Tower B development permit, residents found numerous violations of the Mauka Area Rules in the developer's proposed plans -- such as the lack of adequate, meaningful recreation space - even going so far as counting the building's lobby as "recreation space;" failure to apply for multiple permits concurrently in order to notify the public of the full magnitude of all phases of the project; obstruction of the view preservation corridor along South Street; and others. Despite the lack of conformance to the Mauka Area Rules and Plan, the HCDA Executive Director recommended approval of the permit.

It is time to take a break from development, take a step back and look at Kakaako as a whole, to make sure its development is headed in the right direction, fulfilling the vision laid out in its master plans, mauka and makai. A one-year moratorium is just the break needed to re-examine what Kakaako is becoming and ensure that we don't turn it into this century's Waikiki. Before Oahu becomes home to yet another congested, overcrowded district, I urge you to pass HB1865.

Testimony for the  
House Committee on Water & Land  
Saturday, 0830 hrs, February 8, 2014  
House Bill 1865  
Relating to the Hawaii Community Development Authority (HCDA)

Chairperson Evans and Members of the Committee on Water and Land

My name is Grace Ishihara and I am a resident of Kakaako. Thank you giving me this opportunity to submit a testimony.

I strongly support HB 1865 to repeal the HCDA.

I am deeply concerned about the ongoing uncontrolled rate of development approvals in the recent months (particularly condo tower approvals) by HCDA. Therefore, I agree with a 1-year moratorium on development project approvals by HCDA. I would also suggest that this rule be retro-active to any approvals made in the past 6 months. It is obvious that the recent approvals were made hastily and without incorporating the concerns and the voices of the community.

I recommend that this bill be approved and implemented.

Grace Ishihara  
[ue-wale0903@hotmail.com](mailto:ue-wale0903@hotmail.com)

**HAWAII OPERATING ENGINEERS  
INDUSTRY STABILIZATION FUND**



*Uniting our strengths and working together  
for a better tomorrow.*

Affiliated AFL-CIO  
OPEIU - 3 - AFL-CIO (3)

February 6, 2014

TO: The Honorable Cindy Evans, Chair  
The Honorable Nicole E. Lowen, Vice Chair and  
Members of the House Committee on Water & Land

Date: February 08, 2014  
Time: 8:30 a.m.  
Place: Conference Room 325, State Capitol

FROM: Kimberly Ribellia, Government Liaison  
Hawaii Operating Engineers Industry Stabilization Fund

RE: Opposition of House Bill 1865– Relating to the Hawaii Community Development  
Authority

Good Morning, my name is Kimberly Ribellia, Government Liaison, of the Hawaii Operating Engineers Industry Stabilization Fund (HOEISF), a labor management fund representing 4000 unionized members in heavy engineering site work and 500 general contractors specializing in heavy site and vertical construction.

On behalf of Stabilization fund, I would like to state our **strong opposition** of House Bill 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

The proposed one-year moratorium will severely effect the construction industry which has been able to provide local jobs for local people. The moratorium will also slow down all opportunities for the development of workforce housing.

Again, the stabilization fund strongly opposes the passage of House Bill 1865. Thank you for consideration of this matter.

**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 1:55 PM  
**To:** waltestimony  
**Cc:** daneknish@yahoo.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Nishimura	Individual	Support	No

Comments: The very rapid rate of dozens of condo high- rise approvals by HCDA is very concerning. I agree with this bill's 1-year moratorium on development project approvals, until infrastructure needs (roads, sewers, drainage, parks, schools) are addressed. We should meet the infrastructure needs of the current and future residents of Kakaako before approving any more condos.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 3:11 PM  
**To:** waltestimony  
**Cc:** leiotaloha@yahoo.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Julie Nishimura	Individual	Support	Yes

Comments: Testimony before the House Committee on Water and Land Saturday, Feb. 8, 2014. 8:30am Dear Chairwoman Evans and Members of the House Committee on Water and Land, My name is Julie Nishimura, and I support HB 1865. A large number of condo projects in Kakaako are being approved at a fast pace. I am very concerned about whether the infrastructure needs of the current and future residents of Kakaako will be met (sewers, roads, water, drainage, utilities, emergency services, schools, parks). I think it would be wise to approve a 1-year moratorium on development project approvals until this can be addressed. I urge you to pass HB 1865. Thank you for the opportunity to submit testimony.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 3:12 PM  
**To:** waltestimony  
**Cc:** surfandsea05@yahoo.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lillian Nishimura	Individual	Support	Yes

Comments: I support this bill, HB 1865.

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**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 3:15 PM  
**To:** waltestimony  
**Cc:** stimpson@hawaii.rr.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steve Timpson	Individual	Oppose	No

Comments: I oppose this bill and support the HCDA's master plan as it represents the best possible stewardship and conservancy of our island. Displacing the much needed and planned 18,000 housing units into West Oahu, Central Oahu or the North Shore instead of Kakaako, would require: • Utilities -- miles of sewer lines, water lines, electric lines, cable lines to be installed and maintained • Municipal services - significant numbers of buildings would be needed in terms of schools, offices, court houses, fire departments, police departments, hospitals, etc. etc. etc. • Roads - - additional freeways, highways and streets in new cities and subdivisions • Land -- the entire Ewa plain with 4000 housing units could be accommodated in 10 towers in Kakaako -- we'd have to have 4 Ewa plains to handle the same amount of housing that Kakaako could support • Fuel - More than 40 million gallons of fuel a year would be wasted with 18,000 units coming in to work everyday • Time - 18 million hours a year of added driving time would be wasted • Is there any reason to discuss that supporting housing in Kakaako is the right thing to do? • I oppose this bill and sincerely hope that you oppose it as well.

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## lowen2-Lanaly

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 3:19 PM  
**To:** waltestimony  
**Cc:** jtimpson@lava.net  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

### **HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joyce Timpson	Individual	Oppose	No

Comments: As a condo owner in the Kakaako area I am appalled at how the legislature is willing to bow down to the very few residents and media pressure to stop progress in Kakaako. I have been to dozens of HCDA and Neighborhood board meetings, significantly more than any of you who are sponsoring this bill, and feel that the process is not only fair but thorough. If you were to go to these public meetings you would see for yourself that very few people object to the HCDA and the process. Instead you are listening to the 20 or so individuals who object to only the projects that personally affect them. It's time for the legislature to ask the silent majority what they want. I'm sure they'll vote, as I will, for the legislators who vote for controlled progress and a system that has worked for 30 years. I beg of you to oppose this bill and ridiculous waste of taxpayers money. Mahalo

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**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 5:20 PM  
**To:** waltestimony  
**Cc:** heather.nishimura@gmail.com  
**Subject:** \*Submitted testimony for HB1865 on Feb 8, 2014 08:30AM\*

**HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Heather Nishimura	Individual	Support	No

Comments:

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February 7, 2014

Testimony of

Stefan Lavallee

Before the House Committee on Water & Land

February 8, 2014 8:30am, Conference Room 325

**In Support of HB 1865, Impose a 1 year moratorium on the HCDA approval of any development proposals in Kakaako**

Chairperson Evans and Members of the House Committee on Water & Land,

My name is Stefan Lavallee and I am resident of Kakaako for the past 9 years. I support HB 1865 to impose a 1 year moratorium on HCDA's approval of any development plans in Kakaako. Over the past 2 years, I've seen HCDA approve several Condominium projects without regard to the local infrastructure like Public Schools, Sewer system capacity, Roads and Traffic, and even Healthcare facilities. When HCDA is confronted with these issues, they put the onus back to the City & County to ensure the Sewer capacity is up to standard; they say it is the Dept.of Education's responsibility to provide schools. They don't even address the issue if Queens and Straub (the two closest hospitals) have the capacity to handle additional residents that will be buying the condominium projects they approve.

The Kakaako infrastructure needs to be addressed before any further housing developments are approved; Schools, Sewer/Water, Roads, and Healthcare facilities.

A 1 year moratorium needs to be placed on HCDA until all Kakaako infrastructure needs are addressed. I strongly urge you to pass HB 1865.

Thank you,

Stefan Lavallee

**HB 1865  
RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY**

**PAUL T. OSHIRO  
MANAGER – GOVERNMENT RELATIONS  
ALEXANDER & BALDWIN, INC.**

**FEBRUARY 8, 2014**

Chair Evans and Members of the House Committee on Water & Land:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on HB 1865, “A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.” We respectfully oppose this bill.

In 1976, the Legislature found that Kaka’ako was significantly under-utilized relative to its central location in urban Honolulu and recognized its potential for growth and development and its inherent importance to Honolulu as well as to the State of Hawaii. The Hawaii Community Development Authority (HCDA) was therefore established to promote and coordinate planned public facility development and private sector investment and construction in Kaka’ako. By having a regulatory body completely focused on the planning and zoning for Kaka’ako, it was envisioned that this would result in the effective development of this key economic driver.

The purpose of this bill is to impose a one year moratorium on the HCDA’s approval of any plans or proposals for development in the Kaka’ako Community Development District. We oppose this bill as we believe that it will have a significant negative impact upon the future of Kaka’ako and Hawaii’s on-going economic recovery.

With the continued improvement in Hawaii's economy, renewed interest has evolved in furthering the overall vision of Kaka'ako as a vibrant community of residents, businesses, and community facilities and events. The residential housing component of this vision has especially flourished over the past year, with numerous projects that were previously incorporated into and approved in area master plans moving towards fruition. Should this bill be passed to impose a one year moratorium on development in Kaka'ako, this action will disrupt the economic momentum that is presently in-place to provide much-needed places to live, work, and play for the people of Hawaii. This critical mass that is beginning to emerge is key to realizing the vision of Kaka'ako.

We are currently in a favorable economic cycle, with an active real estate market. No one knows how much longer this cycle will last. With significant time delays the likely result of the passage of this bill, some projects may miss the present favorable market conditions and subsequently may not get built. Without the construction of additional residential units in Kaka'ako, we believe that the achievement of the vision will be significantly delayed, as the critical mass of residents necessary to sustain a safe community and viable area businesses may not become a reality.

Kaka'ako represents an important component in the continued stimulation and sustaining of Hawaii's economy. We believe that the imposition of a moratorium on development in Kaka'ako at this time may negatively impact the future of Kaka'ako along with Hawaii's economic recovery.

Based on the aforementioned, we respectfully request that this bill be held in Committee. Thank you for the opportunity to testify.



Aloha Chair Evans, and Representatives

As an Ewa resident and member of the Kanehili Cultural Hui who has witnessed how HAWAII COMMUNITY DEVELOPMENT AUTHORITY operates in Kalaeloa and how poorly they communicate with the community and how evasive they are when information about developments is sought.

I believe this organization clearly needs to be shut down because of lack of community oversight and adherence to State and Federal historic and cultural preservation laws and City planning rules and ordinances. They have a dedicated "Cultural Heritage Park," but really it has been used as an illegal dump site and as an excuse to do widespread damage to other very pristine areas that HCDA plans to turn into industrial areas. The word "front" or "façade" is made for how HCDA operates in Kalaleloa.

Coordination and cooperation with City zoning and planning is severely lacking and HCDA doesn't even follow its own rules. During the Kalaeloa Draft Rules process a couple of years ago they completely rejected every single suggestion made by the attorney from the National Trust for Historic Preservation. These were suggestions that were showing how HCDA's rules would NOT be in compliance with national standards and allowed many variances and loopholes for developers to avoid State and Federal historic and cultural preservation compliance. These comments were all REJECTED by the HCDA director.

Clearly today the results are in- a blatant disregard for historic and cultural preservation and a complete blindness to apparently on-going developer sponsored "vandals" who systematically desecrate historic and cultural sites to reduce and destroy "historic integrity" and "cultural value."

There are many examples in Kalaeloa of extensive damage to valuable infrastructure and historic buildings that has been going on for years. It is being done apparently so that it requires a full replacement and of course that means by Hawaii tax-payers. I could send you a hundred photos of intentional damage done by Kalaeloa developers who want see everything out there flattened for land flips to the highest bidder. The more they can make Kalaeloa a cleared parking lot free of any historic and cultural issues, native plants, etc. the better for the land developers and HCDA insiders.

We now increasingly hear that all HCDA Kalaeloa lands "must be developed to their highest potential (income for HCDA developers.) This means all previously promised open space, cultural and historic sites must be wiped out because the highest developer dollar wants it. It really makes you wonder if anything the State does anymore is about "the future" and "the keiki" or just about how much land development cash can be pocketed RIGHT NOW. The message here is that there REALLY ISN'T a future for anyone unless you are rich and can leave once all of the environment that once made the area a wonderful place to live has all been raped away. HCDA developers just move on to the next target somewhere else and the local residents get stuck with tax bills and a depleted, polluted, unsustainable landscape.

HCDA has been cited for illegal dumping on HCDA's own property by the City building inspector (after it was pointed out to them.) Otherwise the people who are supposed to be enforcing City and State laws have NO IDEA what is going on in Kalaleoa unless HCDA calls them in- and that basically NEVER HAPPENS. And development continues with roads and other infrastructure NOT being done to City spec or State environmental laws in Kalaeloa since no one really watches what is happening.

HCDA's director recently expressed surprise at a community meeting when learning that Hunt Corporation was selling off Kalaleoa land (which they lease from the Navy and has NOT undergone a required Federal Section 106 process) while real estate signs have been up all over Kalaeloa for months offering these properties already for sale. This really begs the question that the Kalaeloa director doesn't even know what is going on in Kalaeloa, which they supposedly "manage." In HCDA's Kalaeloa the "rules" become whatever the developer wants it to be, including with Federal property.

I have spoken with a current (and still largely understaffed) State Historic Preservation Division branch manager and was told that HCDA rarely if ever consults with them on anything, despite many ongoing projects in Kalaeloa in very sensitive cultural and historic areas. Kalaeloa is pretty well known as a "Wild West" place of developer lawlessness. Damage is done by "vandals," often in broad daylight. Powerlines, lightpoles, etc are regularly cut down along main roadways or side streets by "vandals." This is so that new ones must be put in and of course the Hawaii tax-payer always pays for it so who really cares?

It is amazing how the "vandals" and firestarters seem to be able to operate in Kalaleoa in broad daylight during working hours without any police or security noticing anyone doing anything. Only after a great deal of news media coverage have all of the continuous, almost daily fires (and perhaps with the help of the weather) allowed this aspect of Kalaleoa destruction to be at least temporarily curbed.

Large areas of military base electrical and telecommunication vaults and buildings have been stripped of copper wire, switching rooms trashed, equipment removed and valuable telephone/power poles (I have been told are worth around \$2000 each) sawed down everywhere. Nothing is ever done about it, over a period of over one and a half years, despite constant "security" patrols. Unless there are some really incompetent druggie thieves who get caught because they cut into live electrical wires and nearly get electrocuted, does any attention result. Amazingly these same people seem to just get away and return again and again. They also inhabit empty historic buildings right next door to developer offices!

Around a year and a half ago HCDA allowed a prospective PV site developer to go into a highly sensitive Hawaiian cultural area in Kalaleoa with a D9 Bulldozer and cut huge swaths of roads over a very large area. Not even straight lines (which is usually always done with a small, rubber tread BobCat for survey work), but wandering, unmitigated massive damage was done to one thousand year old ancient Hawaiian trails, habitation sites and heiau structures. No one at HCDA Kalaeloa questioned this!

Only because of outside complaints to DLNR was this project stopped. To this very day there has never been anything publicly disclosed as to WHO at HCDA authorized this massive and completely insane destruction. It has all been hushed up and likely it seems now the PV site developer paid someone some money so that nothing further was ever said about it. But they are planning MORE like this already!

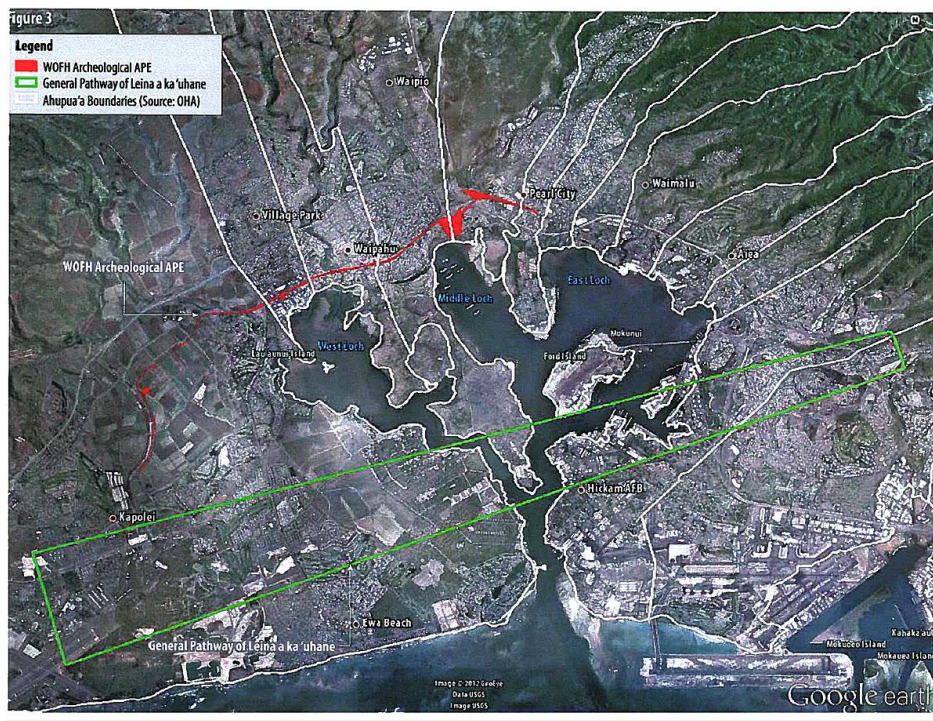
Our Kanehili Cultural Hui was able to photograph the damage many months later when apparently an archaeological contractor (not SHPD which rarely looks at anything in Kalaeloa ) was brought in to begin tagging all the site damage. We assume the contractor who did all the damage paid for the survey, but this doesn't address who at HCDA allowed this stupid fiasco to happen in the first place.

By the way, Kanehili is the ancient Hawaiian name for this area, not "Kalaeloa." Kalaeloa was just another land developer created name, like "Hoopili" is for Honouliuli and "East Kapolei" is for Ewa. It makes it a lot more easy and convenient to bulldoze historic and cultural areas when they can't be remembered and linked to the past cultural history. At least DHHL did some native Hawaiian research when they named their nearby home development projects Kaupē'a and Kanehili. These are the true local area cultural names according to Hawaiian oral history. Ewa's history is still largely ignored.

HCDA's Kalaeloa is a Wild West area where developers make the rules they want. HCDA needs to be SHUT DOWN with by House Bill 1864 in the hope that some zoning and planning law and order can be established in this HCDA developer free fire zone. This is NOT what the local community wants!

John Bond, President, Kanehili Cultural Hui

*BELOW: The HART Federal EIS has designated this Kanehili area as a National Register Eligible site for historic and cultural protection under State and Federal laws. It was the original intention of the community at the time of the Barbers Point Naval Base closure that significant historic and cultural sites would be forever protected for future generations to enjoy and not become just another paved over area like everything else in West Oahu.*



**HART EIS designated Leina a ka Uhane – Wahi Pana in 2012**



However this is the HCDA Kalaeloa agenda, to cover over everything with development and use a process of continuous land degradation and pollution with truckloads of unchecked dump materials, including very dangerous substances known to cause genetic mutations and cancer. At the Kalaleoa shore the public is swimming in this chemical pollution and eating the remaining contaminated coastal food resources that haven't yet been killed off. And they say this is about the "Keiki and the future"?

Please pass House Bill 1864 and end this historic and cultural destruction!

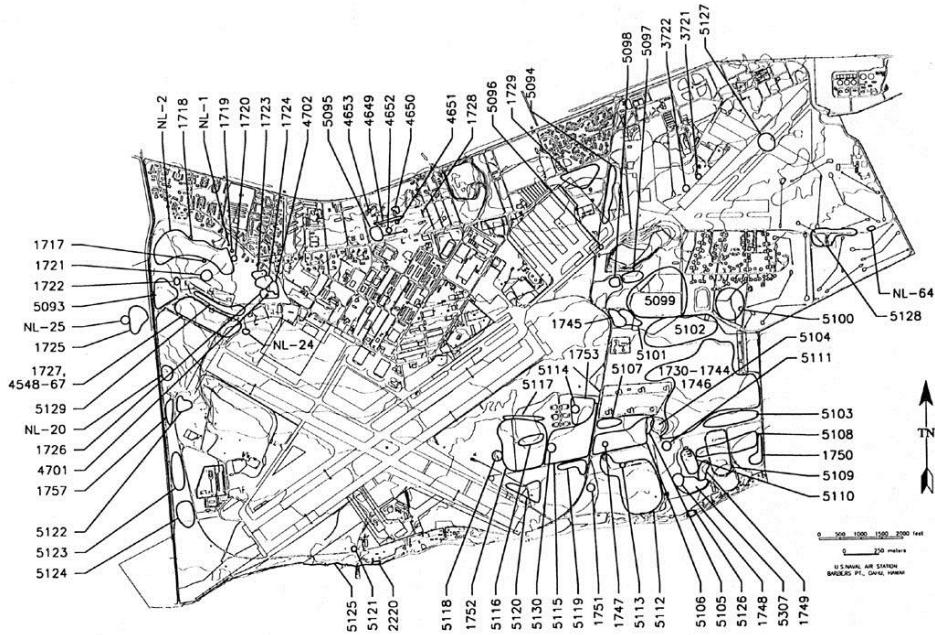
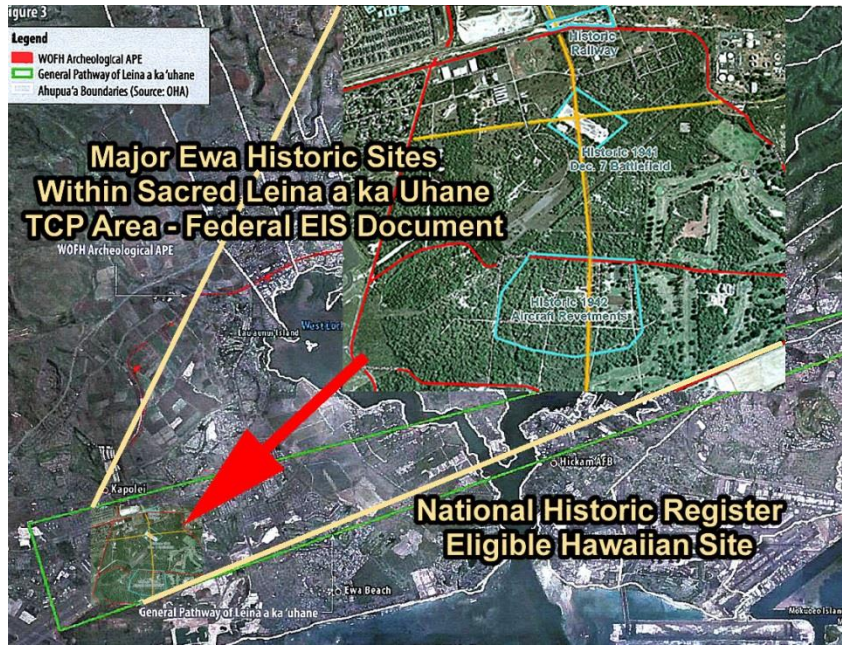
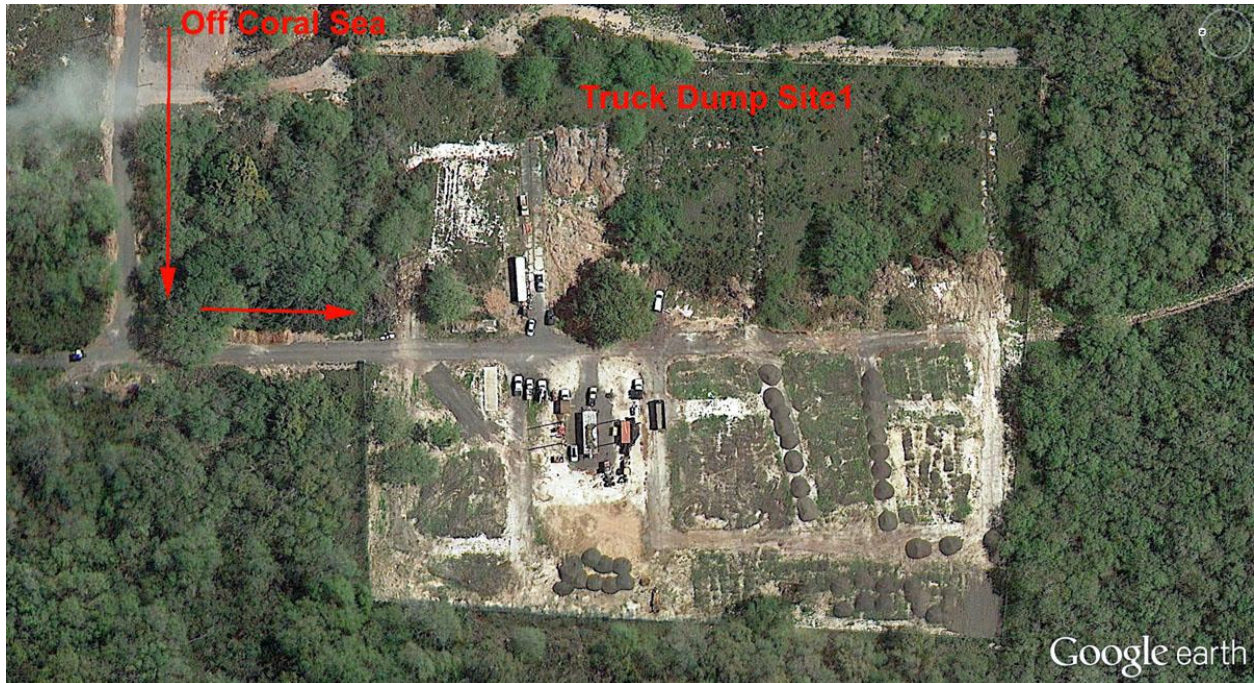


Figure 28. Archaeological and historical sites of NAS Barbers Point.





*Large areas within former Naval Air Station Barbers Point in 1997 were NEVER adequately surveyed for important native Hawaiian cultural sites. Much more information has now become available showing how very incomplete and random these past archeological surveys really were just to meet deadlines.*

*Kanehili Cultural Hui has found there are large areas of unidentified Hawaiian trails, habitations and cultural areas that have never been adequately surveyed in what is really ancient Kanehili and which only in April 2012 was it established that this area is a major Oahu wahi pana called the Leina a ka 'Uhane.*









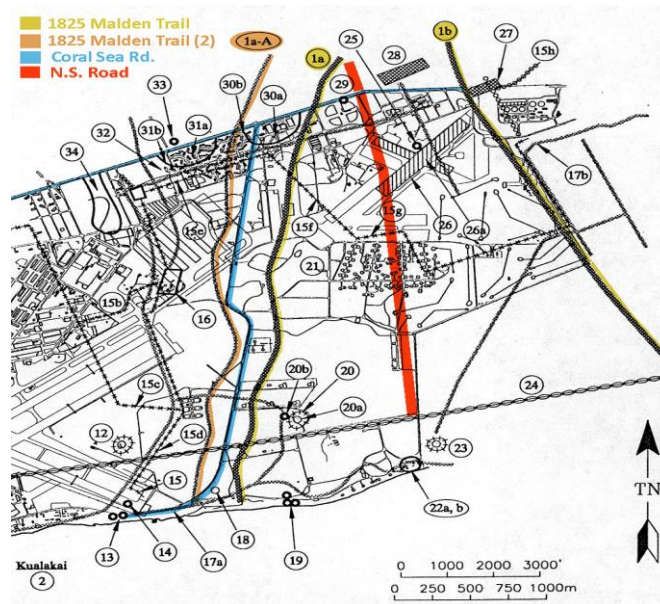
Table 7 presents the Leina a ka 'uhane as a single sacred and storied place, identifying the applicable ahupua'a, theme, National Register criteria, and integrity of relationship and condition.

**Table 7. Leina a ka 'Uhane with Associated Theme and National Register Eligibility Criteria.**

Wahi Pana	Ahupua'a	Theme	National Register A	National Register B	Integrity of Relationships	Integrity of Condition
Leina a ka 'uhane	Hālawa Moanalua, Waiau, Waimano, Pu'uloa, Honouliuli	2	Associated with pattern of events – Leaping off place to the spirit world	Associated with the akua Kānehili, Leiolono, and Milu	TBD	TBD

In our opinion, each of the 26 individually identified wahi pana, as well as the Leina a ka 'uhane, likely has integrity of relationship. Wahi pana are sacred and storied places on the land and our archival research and informant interviews suggest that these storied places are important to the retention and or transmittal of knowledge and beliefs about the land and history of the Hawaiian People on O'ahu.

HART EIS 2012 study by Kumupono LLC and SRI, Inc. shows National Register Eligibility for Kanehili Leina



Navy BRAC of NASBP by Tuggles (IARII) shows Kanehili Trails and important sites HCDA wants destroyed.

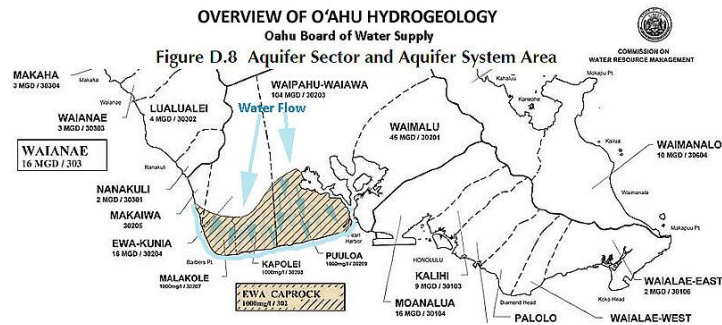


British Royal Navy 1825 Maiden Trails map shows ancient Hawaiian Trails in Kanehili, Honouliuli.

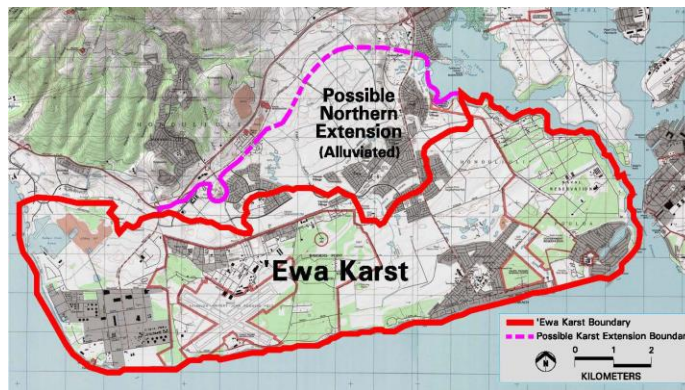




HART lists important sites and Kanehili Leina falls just below the East Kapolei Station site



Hydrogeology map shows mountain to shore water flow through "caprock" (Karst)



Ewa Karst is actually a very porous ancient 100,000 year old reef, and result of past higher sea level.



**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 06, 2014 9:53 PM  
**To:** waltestimony  
**Cc:** amybugala@yahoo.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Bugala	Individual	Support	No

Comments: I support HB 1865 because I am deeply concerned about the ongoing uncontrolled rate of development approvals (particularly condo tower approvals) by HCDA. Therefore, I agree with a 1-year moratorium on development project approvals by HCDA.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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# Chamber of Commerce HAWAII

*The Voice of Business*

**Testimony to the House Committees on Water and Land  
Saturday, February 8, 2014 at 8:30 A.M.  
State Capitol - Conference Room 325**

**RE: ALL HOUSE BILLS ON COMMITTEE ON WATER AND LAND HEARING AGENDA FOR  
SATURDAY, FEBRUARY 8, 2014 AT 8:30 A.M.**

Chair Evans and Vice Chair Lowen, and members of the committee:

The Chamber opposes H.B. No.s 1860, 1861, 1863, 1864, 1865, 1866, and 1867.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

We understand that the recent activities in Kakaako have brought attention to the manner in which HCDA oversees redevelopment activities in Kakaako. Consideration should be given to the fact that HCDA was originally established in 1976 to redevelop substantially undeveloped, blighted, or economically depressed areas that are or are potentially in need of renewal, renovation, or improvement to alleviate such conditions as dilapidation, deterioration, age, and other such factors or conditions which make such areas an economic or social liability.

The legislature also found that there exists within the State vast, unmet community development needs. These include, but are not limited to, a lack of suitable affordable housing; insufficient commercial and industrial facilities for rent; residential areas which do not have facilities necessary for basic live-ability, such as parks and open space; and areas which are planned for extensive land allocation to one, rather than mixed uses.

It is further determined that the lack of planning and coordination in such areas has given rise to these community development needs and that existing laws and public and private mechanisms have either proven incapable or inadequate to facilitate timely redevelopment and renewal.

Based on these pressing needs, the legislature created a new and comprehensive authority for community development to join the strengths of private enterprise, public development and regulation into a new form capable of long-range planning and implementation of improved community development. The purpose of Chapter 206E HRS was to establish such a mechanism in the Hawaii community development authority, a public entity which shall determine community development programs and cooperate with private enterprise and the various components of federal, state, and county governments in bringing plans to fruition. For such areas designated as community development districts, the legislature believes that the planning and implementation





# Chamber of Commerce HAWAII

*The Voice of Business*

program of the Hawaii community development authority will result in communities which serve the highest needs and aspirations of Hawaii's people.

After almost 40 years of public investment in infrastructure based on the planned redevelopment of the area, the market conditions are such that private developers are moving forward with a variety of projects in Kakaako. The plans to redevelop Kakaako and the public investment in infrastructure are being realized.

It would be unfortunate if the planned density and the return on investment in infrastructure are not fully realized in Kakaako by allowing full build out. It would also raise legitimate questions on the type of business climate the State is creating if investors and developers have no predictability or certainty when a state agency is overseeing redevelopment efforts. The Chamber does support reasonable increases in time allotments for public input should there be compelling evidence that the public does not have enough time to provide their input.

Thank you for the opportunity to express our views on this matter.



## lowen2-Lanaly

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 8:24 AM  
**To:** waltestimony  
**Cc:** barb@punapono.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

### **HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barb Cuttance	Individual	Support	No

Comments: Thank you for hearing HB1865, I strongly support this bill. Places a one-year moratorium on HCDA by prohibiting the approval of any plans or proposals for development in the Kakaako community development district NOTE: HB 1865 is only a short-term solution to the long-term problem of carving out sections of an island and creating community development districts. Oahu has 3 community development districts - Kakaako, Kalaeloa (formerly, Barbers Point) and Heeia - governed by an appointed board HCDA, which is neither accountable to the public nor transparent. Please pass this bill. Barbara Cuttance 14/266 Papaya Farms Road Pahoa, Hawaii 96778

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**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 06, 2014 8:38 AM  
**To:** waltestimony  
**Cc:** rdulcich@gmail.com  
**Subject:** Submitted testimony for HB1864 on Feb 8, 2014 08:30AM

**HB1864**

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Dulcich	Individual	Support	No

Comments: I strongly support abolishing HCDA that has shown it does not understand nor does it act to be good stewards of Kaka'ako, Kalaeloa or Heeia lands. All other bill curb their action so I also support those bills being heard on 2/8: HB1860, HB1861, HB1863, HB1865, HB1866 and HB1867.

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Dear House Water & Land Committee Members,

I support HB 1865 and all efforts to curb or abolish the HCDA. The HCDA does not properly represent the communities for which it serves. Its operations and decisions are not transparent nor reflect testimony it has received over the past year; it continues to ignore the will of the people.

I am deeply concerned about the ongoing uncontrolled rate of development approvals (particularly condo tower approvals) by HCDA. Therefore, I agree with a 1-year moratorium on development project approvals by HCDA.

HB1865 is important because it places a one-year moratorium prohibiting the HCDA from approving any plan or development proposal in Kaka'ako. HCDA approved 11 condo projects plus, in the Makai area, exclusive contracts for development, all without input from the community surrounding these projects and based only on "conditional approvals" by the city for infrastructure (including the smelly sewers).

HCDA must respect the land and people it should be serving—those living, working and enjoying Kaka'ako; and the one-year moratorium will give HCDA the time to address these concerns.

HB 1865 will make HCDA follow the plans and rules that are in place and address Kaka'ako's inadequate infrastructure BEFORE approving any more projects. I strongly urge you to pass HB1865.

Mahalo,

AL Frenzel



*A'ohe hana nui ka alu'ia*  
*"No Task Is Too Big When Done Together By All"*

**HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO**

735 Bishop Street, Suite 412 \* Honolulu, Hawaii 96813  
(808) 524-2249 - FAX (808) 524-6893

KIKA G. BUKOSKI  
*Executive Director*

February 7, 2014

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VAUGHN CHONG  
Roofers, Waterproofers & Allied  
Workers United Union of Roofer  
Local 221

Honorable Representative Cindy Evans, Chair  
Honorable Representative Nicole Lowen, Vice Chair  
Members of the Committee on Water and Land  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

RE: **IN OPPOSITION** TO HB1865 RELATING TO HCDA  
Hearing: Saturday, February 8, 2014, 8:30 a.m. Conference Room 325

Honorable Chair, Vice Chair and Committee Members;

The Hawaii Building & Construction Trades Council, AFL-CIO is a chartered member of the Building and Construction Trades Department, AFL-CIO which was first organized in 1908 and comprised of 16 out of 17 construction trade unions with 386 state, local and provincial councils in the United States and Canada and an estimated 15,000 members locally. Our primary mission being to provide employment opportunities and living wages for many of Hawaii's working men and women in the construction industry.

The Council respectfully OPPOSES HB1865, which imposes a one-year moratorium on the HCDA's approval of any plans or proposals for development in the Kaka'ako Community District.

The Hawaii Community Development Authority was created in 1976 by the State Legislature to plan future developments of underutilized urban areas in Hawaii. In an effort to balance the increasing challenges of urban sprawl, preserving open space, promoting local agriculture, planning for future growth, and reinvigorating and maximizing high density urban core areas, HCDA has risen to that challenge and the charge given them over three decades ago.

We understand and appreciate that not all will agree with change, especially when it might directly and adversely impact individuals, but sometimes change is necessary in order to evolve and adapt for continued growth and sustainability.

HCDA is not just a single community's issue. It's an island wide issue and a piece of a larger "General" Plan that includes Ewa (Kalaeloa) and Windward (Ko'olaupoko) O'ahu. It's an island wide initiative to direct smart growth concepts to certain areas of the island for certain area specific reasons in order to maximize the efficiencies and deficiencies of the area and improve on what's currently there.

Infrastructure, roadways, modes of travel, maximizing and reinvigorating existing footprint, economic opportunity, quality of life...although just a few, these are all part of the overall plan to improve O'ahu.

The provisions in HB1865 contravene the stated intent and purpose of HCDA as envisioned in 1976. It took great vision and courage to adopt such forward thinking legislation over three decades ago.

It takes even greater vision, coupled with perseverance, resolve, commitment and fortitude to 'realize' that vision and "stay the course"

A known philosopher-poet, Ralph Waldo Emerson once quoted,

"Whatever course you decide upon, there is always someone to tell you that you are ...

There are always difficulties arising that tempt you to believe that your critics are right...

To map out a course of action and follow it to an end requires courage."

This is not 'just' about jobs, this is not just about one community, or one or two individuals, this about recognizing the possibilities (HCDA) before us, identifying and evaluating all of the variable externalities, concerns and considerations; applying the best methods of sustainable planning available today and plotting a 'course' for O'ahu's future...the kind of future we would want to pass on to our next generation.

We urge you to reconsider this measure and allow the Hawaii Community Development Corporation to realize the vision of a "Better O'ahu".

Thank you for the opportunity to provide comments in opposition to HB1865.

*A'ohe hana nui ka alu'ia*  
*"No Task Is Too Big When Done Together By All"*

February 8, 2014

**The Honorable Cindy Evans, Chair**  
House Committee on Water & Land  
State Capitol, Room 325  
Honolulu, Hawaii 96813

**RE: H.B. 1865, Relating to the Hawaii Community Development Authority**

**HEARING: Saturday, February 8, 2014, at 8:30 a.m.**

Aloha Chair Evans, Vice Chair Lowen, and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® (“HAR”), the voice of real estate in Hawai'i, and its 8,300 members. HAR **offers comments** on H.B. 1865 that imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in Kakaako Community Development District effective on July 1, 2014 through June 30, 2015.

Kakaako has long been envisioned by state planners to become a dense piece of Honolulu's urban core. In 1976 the Legislature recognized the lack of timely revitalization of underutilized urban communities in the State, and determined that a new concept of urban planning and redevelopment was needed to supplement traditional methods. Therefore, the legislature created the Hawaii Community Development Authority.

HAR defers policy decisions with policy makers but we note the realities of supply and demand and lack of decent and affordable housing for all income levels.

Hawaii needs 5,000 new housing units each year for children who grow up, and that's before talking about high-end investors. Oahu needs, on top of the 3,500 new units annually in the next several decades for new households, at least another 15,000 new units to make up for the shortfall just in the 21st century to date. Essentially, low production, low inventory, accelerating home price appreciation, and a potential for \$1 million median Oahu single-family existing home sales price could be just around the corner.

Homebuilding hasn't exceeded 2% of Oahu's housing stock since the 1970s tightening of land use laws and zoning ordinances and the rise of development prohibition, moratoriums and NIMBY. Hawaii DBEDT Chief Economist Dr. Eugene Tian estimates that about 1% of the existing Oahu housing stock must be built annually to accommodate new household formation from population growth



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It is in the best interests of REALTOR®, our fiduciary clients, and the community to have a vigorous, heterogeneous housing market with housing availability across the price spectrum and across space. The affordable housing debate should be broadened to encompass zoning reform, not just public or subsidized construction programs.

Evidence may suggest that zoning is responsible for high housing costs, which means that if we are thinking about lower housing prices, we should begin with reforming the barriers to new construction in the private sector.

Economic data shows we have greater housing demand than supply, from affordable to luxury residential divisions of the market. We support national smart growth guidelines and "Live, Work, Play" designs: thoughtful design details for neighborhoods to become more sustainable, hoping to alleviate traffic and create communities where people have a "sense of place."

Whether HCDA exists or not, there is a critical need for efficiency and superbowl teamwork and cooperation, from State & City planning departments. Timing is crucial for buyers, developers and our economy which all could benefit with market conditions today. When the market moves robustly the State, City and tax revenue should also benefit.

Mahalo for the opportunity to offer comments on this measure.

February 8, 2014

State of Hawaii House of Representatives  
House Committee on Water & Land  
Hawaii State Capitol  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Evans, Vice Chair Lowen and Members of the Committee,

Subject: HB 1860, HB 1861, HB 1863, HB 1864, HB 1865, HB 1866, and HB 1867  
Relating to the Hawaii Community Development Authority and the  
Kakaako Community Development District

I am *Robert Locquiao*, a member of the Hawaii Regional Council of Carpenters.

I strongly urge your support of the Hawaii Community Development Authority (HCDA) and the vision of Kakaako. The authority and vision will:

- ✓ *Provide a live, work, play, mixed-use development in the urban-core*
- ✓ *Add new housing including affordable homes and homes for seniors – built by Hawaii workers*
- ✓ *Bring a sense of shared values with neighbors*
- ✓ *Create housing near public transit*
- ✓ *Generate new County and State taxes*
- ✓ *Address population growth and needs*
- ✓ *Create construction and permanent jobs*
- ✓ *Keep country, country*

We have waited a long time for the development of housing, parks, open areas, as well as new commercial and industrial space near the downtown core. Please don't make any changes and delay the vision of Kakaako.

Thank you for allowing me to share my views.

Sincerely,

Robert Locquiao  
Rob4x4rl@aol.com

Testimony of  
Sharon Y. Moriwaki  
Before the  
House Committee on Water & Land  
Saturday, February 8, 2014, 8:30 a.m., Conference Room 325

**In Support of HB 1865,  
Relating to the Hawaii Community Development Authority**

Chairperson Evans and Members of the House Committee on Water and Land

My name is Sharon Moriwaki. I am a resident of Kaka'ako and president of Kak'ako United, an organization of citizens concerned about Kaka'ako's future.

We have entrusted in HCDA, the state agency supposedly the steward of Kaka'ako, with implementing plans and rules developed with citizens and approved by the governor. Unfortunately, HCDA has approved projects that violate the zoning and rules and has failed to adequately address infrastructure problems and the concerns by residents, businesses and users of Kaka'ako.

HCDA has approved 11 projects in the past year without regard to the surrounding community. It has not completed a comprehensive plan to address the capacity of the infrastructure to accommodate the additional 37 high rises and 30,000 people. The legislature must direct it to do so before it destroys the last 450 acres along the shoreline in downtown Honolulu.

Until HCDA completes the plan to address the infrastructure problems and follows the rules in existing plans, the legislature should impose a moratorium on any additional project approvals. HCDA must respect the land and people in the districts it serves—those living, working, and using Kaka'ako.

Rules must be applied consistently to everyone. HB 1865 will make HCDA follow the plans and rules that are in place and address Kaka'ako's inadequate infrastructure BEFORE approving any more projects. We therefore urge you to pass HB1865.

Thank you for the opportunity to testify.

## lowen2-Lanaly

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 06, 2014 12:47 PM  
**To:** waltestimony  
**Cc:** bknunies@gmail.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

### **HB1865**

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bernard Nunies	Individual	Support	No

Comments: City Planning 101 calls for Infrastructure to be addressed before Development, yet this is being done backwards in Kakaako. In 2013 the HCDA has approved 11 new developments, yet have failed to address the basic infrastructure concerns. No matter what the reports say, we still smell, daily, the challenges of the sewer. There are no elementary school capacity as reported by the DOE, so where will the keiki of the 20,000 new residents go to school? Allowing building to be built right next to each other, lacking a sense of privacy, safety, and security is not what smart development should allow. I strongly support this bill calling for a one year moratorium on development until infrastructure issues can be addressed along with other bills being heard that seek to limit, rein in, and even abolish the HCDA.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

The Pacific Resource  
**PARTNERSHIP**



Testimony of Cindy McMillan  
The Pacific Resource Partnership

House Committee on Water & Land  
Representative Cindy Evans, Chair  
Representative Nicole E. Lowen, Vice Chair

HB 1865 – Relating to the Hawaii Community Development Authority  
Saturday, February 08, 2014  
8:30 AM  
Conference Room 325

Dear Chair Evans, Vice Chair Lowen and members of the committee:

The Pacific Resource Partnership (PRP) is a labor-management consortium representing over 240 signatory contractors and the Hawaii Regional Council of Carpenters.

PRP opposes HB 1865, which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

This bill does not solve any of the issues raised by those who have voiced concerns about the Authority's decision-making process. It merely pushes the issues down the road.

We respectfully ask that the Committee defer this bill.

## lowen2-Lanaly

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 05, 2014 4:17 PM  
**To:** waltestimony  
**Cc:** kareen.tanoue@gmail.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

### **HB1865**

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kareen Tanoue	Individual	Support	No

Comments: I support HB 1865 because I am deeply concerned about the ongoing uncontrolled rate of development approvals (particularly condo tower approvals) by HCDA. I feel their actions are irresponsible and without concern for the neighborhood, the problems that are and will be created, and they are not giving the public enough time to respond with concerns, let alone find out about the projects HCDA are approving. Therefore, I agree with a 1-year moratorium on development project approvals by HCDA.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Eric Awa and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Eric Awa, Financial Advisor

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Giselle Chan and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Giselle Chan  
Giselle.t83@gmail.com

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Lance Takaki and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

I am a young professional raised in Hawaii and am pleased with what's happening in Kakaako and what this means for my generation. Unfortunately, there are those that are against new developments in the Kakaako neighborhood. I kindly ask that you support myself and other young professionals like myself, and allow us to have the opportunity to live and work in urban Honolulu. Please, Honorable Representatives, Chairs and Committee members think of the younger generation and how important new development is to Hawaii's future

Thank you for the opportunity to testify in opposition to HB 1865.

Lance Takaki

A handwritten signature in black ink that reads "Lance Takaki". The signature is written in a cursive, flowing style.

February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Helen Chan and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Thank you for the opportunity to testify in opposition to HB 1865.

Helen Chan  
helenc1@gmail.com

February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Jonathan Hui and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Thank you for the opportunity to testify in opposition to HB 1865.

Jonathan Hui  
jhui@gmail.com



February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Alexis Omoto and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

I am a young professional raised in Hawaii and am pleased with what's happening in Kakaako and what this means for my generation. Unfortunately, there are those that are against new developments in the Kakaako neighborhood. I kindly ask that you support myself and other young professionals like myself, and allow us to have the opportunity to live and work in urban Honolulu. Please, Honorable Representatives, Chairs and Committee members think of the younger generation and how important new development is to Hawaii's future

Thank you for the opportunity to testify in opposition to HB 1865.

Alexis Omoto, Designer

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Paul Mayer and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Paul Mayer, Business Owner

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is John Rankin and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

I am a young professional raised in Hawaii and am pleased with what's happening in Kakaako and what this means for my generation. Unfortunately, there are those that are against new developments in the Kakaako neighborhood. I kindly ask that you support myself and other young professionals like myself, and allow us to have the opportunity to live and work in urban Honolulu. Please, Honorable Representatives, Chairs and Committee members think of the younger generation and how important new development is to Hawaii's future

Thank you for the opportunity to testify in opposition to HB 1865.

John Rankin  
Lead Local Expedia Expert

February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Donna Poag and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Thank you for the opportunity to testify in opposition to HB 1865.

Donna Poag, RA  
Ralph S. Foulger, Realtor  
dpoag@mac.com

February , 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Cailee Awa and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

I will soon be getting my degree at UH Manoa and will be entering the job market in the near future. In the next 3-4 years I'd like to buy myself a starter home. Unfortunately the cost of real estate in Hawaii does not afford me to purchase a single family home at this time in an area that I desire to live. I was very pleased to hear about all of the new upcoming condominium developments in Kakaako. My first thought was now I can afford to purchase my first home a condo in Kakaako! It's near work, restaurants, nightlife, the ocean and my family. I can walk or bike everywhere. My friends and I are in Kakaako all the time now. It's where we all want to live. It's going to be a great lifestyle. Please help to support me in repealing HB 1865 and allow development to move forward, so that others like me will have options to purchase their own place and stay in Hawaii.

Thank you for the opportunity to testify in opposition to HB 1865.

Cailee Awa, Student, UH Manoa

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Noriko Tanaka and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Noriko Tanaka, Business Owner



February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

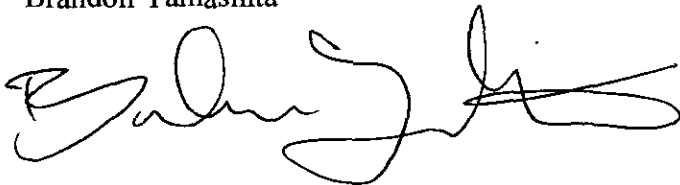
My name is Brandon Yamashita and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Brandon Yamashita

A handwritten signature in black ink, appearing to read 'Brandon Yamashita', with a stylized, cursive script.

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing:  
Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1864 –RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Wendy Hamada and I am testifying in opposition to HB 1864 which repeals the Hawaii Community Development Authority.

I am a young professional raised in Hawaii and am pleased with what's happening in Kakaako and what this means for my generation. Unfortunately, there are those that are against new developments in the Kakaako neighborhood. I kindly ask that you support myself and other young professionals like myself, and allow us to have the opportunity to live and work in urban Honolulu. Please, Honorable Representatives, Chairs and Committee members think of the younger generation and how important new development is to Hawaii's future

Thank you for the opportunity to testify in opposition to HB 1864.

Wendy Hamada  
Small Business Owner

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Breehn Sasaki and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Like many in Honolulu, I am following the development plans and growth in the Kakaako area. I am very concerned with your upcoming hearing on HB 1865 which repeals the Hawaii Community Development Authority. Development is a part of the future and growth for Hawaii, its youth, who are the future and our economy. We must do all that we can to support positive growth and change into the next century, which includes allowing new developments to be built. Development is going to happen. Development must happen. Hawaii's economy must keep growing. I kindly ask that you support me, and all kamaaaina to look to the future and support development for our youth and our economy.

Thank you for the opportunity to testify in opposition to HB 1865.

Breehn Sasaki  
Graphic Design Intern

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Scott Villard and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Scott Villard, Escrow Officer

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Alfred Cheng and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Alfred Cheng  
Construction Firm Owner  
Alfred8tina@yahoo.com

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Sierra Hethcote and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Like many in Honolulu, I am following the development plans and growth in the Kakaako area. I am very concerned with your upcoming hearing on HB 1865 which repeals the Hawaii Community Development Authority. Development is a part of the future and growth for Hawaii, its youth, who are the future and our economy. We must do all that we can to support positive growth and change into the next century, which includes allowing new developments to be built. Development is going to happen. Development must happen. Hawaii's economy must keep growing. I kindly ask that you support me, and all kamaaaina to look to the future and support development for our youth and our economy.

Thank you for the opportunity to testify in opposition to HB 1865.

  
Sierra Hethcote



February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Dr. Teri Tan and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Thank you for the opportunity to testify in opposition to HB 1865.

Dr. Teri Tan  
drteritan@yahoo.com

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Yasmina Taketa and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Yasmina Taketa  
Recent Graduate  
Hawaii Pacific University

February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Mami Minami and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Mami Minami, Business Owner

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Yvonne Leung and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Yvonne Leung  
Assistant in Financial Planning Firm

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Starlie Chinen and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Like many in Honolulu, I am following the development plans and growth in the Kakaako area. I am very concerned with your upcoming hearing on HB 1865 which repeals the Hawaii Community Development Authority. Development is a part of the future and growth for Hawaii, its youth, who are the future and our economy. We must do all that we can to support positive growth and change into the next century, which includes allowing new developments to be built. Development is going to happen. Development must happen. Hawaii's economy must keep growing. I kindly ask that you support me, and all kamaaina to look to the future and support development for our youth and our economy.

Thank you for the opportunity to testify in opposition to HB 1865.

Starlie Chinen  
Teacher

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Matt Sasaki and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

I am a young professional raised in Hawaii and am pleased with what's happening in Kakaako and what this means for my generation. Unfortunately, there are those that are against new developments in the Kakaako neighborhood. I kindly ask that you support myself and other young professionals like myself, and allow us to have the opportunity to live and work in urban Honolulu. Please, Honorable Representatives, Chairs and Committee members think of the younger generation and how important new development is to Hawaii's future.

Thank you for the opportunity to testify in opposition to HB 1865.

Matt Sasaki  
Manager- Health Systems Relations  
TeamPraxis  
msasaki@teampraxis.com



February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Erin Arakaki and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Like many in Honolulu, I am following the development plans and growth in the Kakaako area. I am very concerned with your upcoming hearing on HB 1865 which repeals the Hawaii Community Development Authority. Development is a part of the future and growth for Hawaii, its youth, who are the future and our economy. We must do all that we can to support positive growth and change into the next century, which includes allowing new developments to be built. Development is going to happen. Development must happen. Hawaii's economy must keep growing. I kindly ask that you support me, and all kamaaaina to look to the future and support development for our youth and our economy.

Thank you for the opportunity to testify in opposition to HB 1865.

Erin Arakaki  
Assistant Manager at Doraku

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 -- 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Trisha Tengan and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

I just returned home from getting my degree at Pacific University and now that I have a job, I'd like to buy myself a starter home. Unfortunately the cost of real estate in Hawaii does not afford me to purchase a single family home at this time in an area that I desire to live. I was very pleased to hear about all of the new upcoming condominium developments in Kakaako. My first thought was now I can afford to purchase my first home a condo in Kakaako! It's near work, restaurants, nightlife, the ocean and my family. I can walk or bike everywhere. My friends and I are in Kakaako all the time now. It's where we all want to live. It's going to be a great lifestyle. Please help to support me in repealing HB 1865 and allow development to move forward, so that others like me will have options to purchase their own place and move back home

Thank you for the opportunity to testify in opposition to HB 1865.

Trisha Tengan  
Recent Graduate  
Pacific University

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Kelsy Kam and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Like many in Honolulu, I am following the development plans and growth in the Kakaako area. I am very concerned with your upcoming hearing on HB 1865 which repeals the Hawaii Community Development Authority. Development is a part of the future and growth for Hawaii, its youth, who are the future and our economy. We must do all that we can to support positive growth and change into the next century, which includes allowing new developments to be built. Development is going to happen. Development must happen. Hawaii's economy must keep growing. I kindly ask that you support me, and all kamaaaina to look to the future and support development for our youth and our economy.

Thank you for the opportunity to testify in opposition to HB 1865.

Kelsy Kam  
Keiko53@yahoo.com

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Shawna Lee and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

I am a young professional raised in Hawaii and am pleased with what's happening in Kakaako and what this means for my generation. Unfortunately, there are those that are against new developments in the Kakaako neighborhood. I kindly ask that you support myself and other young professionals like myself, and allow us to have the opportunity to live and work in urban Honolulu. Please, Honorable Representatives, Chairs and Committee members think of the younger generation and how important new development is to Hawaii's future

Thank you for the opportunity to testify in opposition to HB 1865.

Shawna Lee  
Pharmacist Assistant

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Wei Kung Wang and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Dr. Wei Kung Wang  
UH Medical School Professor  
wangwk@hawaii.edu.com

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is CS Chan and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Dr. Cs Chan  
Retired UH Medical School Professor  
Cschan.md@gmail.com



February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Henry Lew and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Dr. Henry Lew  
UH Medical School Professor  
Henrylew@hawaii.edu.com

February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Debra Young and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

We need a good blend of housing and redevelopment in Kakaako. This would delay the process for something that is greatly needed. Jobs will be created, as well as, help our local small business community.

Thank you for the opportunity to testify in opposition to HB 1865.

Debra Young (B)  
Help-U-Sell Honolulu Properties  
debbyoung@gmail.com

February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is David Morisato and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

David Morisato, Business Owner

February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Lisa Kobayashi and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

I am a young professional raised in Hawaii and am pleased with what's happening in Kakaako and what this means for my generation. Unfortunately, there are those that are against new developments in the Kakaako neighborhood. I kindly ask that you support myself and other young professionals like myself, and allow us to have the opportunity to live and work in urban Honolulu. Please, Honorable Representatives, Chairs and Committee members think of the younger generation and how important new development is to Hawaii's future

Thank you for the opportunity to testify in opposition to HB 1865.

Lisa Kobayashi, Sales Associate

Kalani Melvin  
1132 Ilikala Place  
Kailua, HI 97834  
February 6, 2014

Honorable Cindy Evans  
Chair, Water & Land Committee  
State Capitol  
Honolulu, HI 96813

Referring to House Bills 1864 & 1865 in opposition.

Hearing on February 8, 2014 at 8:30 am.

Dear Honorable Cindy Evans:

As a young professional that is a renter, I support the efforts to build affordable workforce housing within the urban core. While I understand the frustration with HCDA, 1864 and 1865 seem to be an overreaction. If given the correct rules and resources, HCDA could still yet fulfill its goals. Clearly there is much interest from developers in the area, and the rail line will only increase that interest. Please defer these bills and focus on improving the existing HCDA.

I thank you for your support.

Sincerely,

Kalani Melvin



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065

**BREENE HARIMOTO**  
Councilmember District VIII  
Chair, Committee on Transportation  
Telephone: (808) 768-5008  
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair  
Committee on Water & Land  
State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Subject: **House Bill 1860**  
**Relating to the Hawaii Community Development Authority**

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, however, I direct my testimony to **HB 1860**, which proposes amendments to HCDA's public notice and project approval requirements, and also creates an appeal process for HCDA actions and decisions.

I firmly believe that for HCDA to successfully fulfill its public mission, it is essential to fully engage the public and area residents in its actions and decisions. This Bill is a step in the right direction, and will help to ensure the preferred level of public involvement.

I encourage your support of this measure.

Sincerely,

A handwritten signature in black ink that reads "Breene Harimoto". The signature is written in a cursive style with a prominent flourish at the end.

Breene Harimoto  
Councilmember, District VII





# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065

**BREENE HARIMOTO**  
Councilmember District VIII  
Chair, Committee on Transportation  
Telephone: (808) 768-5008  
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair  
Committee on Water & Land  
State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Subject: House Bill 1861  
Relating to the Hawaii Community Development Authority

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, however, I direct my testimony to **HB 1861**, which proposes amendments to HCDA's public notice and project approval requirements, and also creates an appeal process for HCDA actions and decisions.

I firmly believe that for HCDA to successfully fulfill its public mission, it is essential to fully engage the public and area residents in its actions and decisions. This Bill is a step in the right direction, and will help to ensure the preferred level of public involvement.

I encourage your support of this measure.

Sincerely,

A handwritten signature in black ink that reads "Breene Harimoto".

Breene Harimoto  
Councilmember, District VII



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065

**BREENE HARIMOTO**  
Councilmember District VIII  
Chair, Committee on Transportation  
Telephone: (808) 768-5008  
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair  
Committee on Water & Land  
State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Subject: **House Bill 1863**  
**Relating to the Hawaii Community Development Authority**

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, however, I direct my testimony to **HB 1863**, which establishes some minimum development standards in addition to eliminating its current operating budget.

The public purpose for HCDA to should be create a quality, affordable environment for Hawaii's residents, and not to simply maximize development density. The development standards included in this Bill will help force HCDA to meet that true public propose.

I encourage your support of this measure.

Sincerely,

A handwritten signature in black ink that reads "Breene Harimoto". The signature is written in a cursive style.

Breene Harimoto  
Councilmember, District VII



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065

**BREENE HARIMOTO**  
Councilmember District VIII  
Chair, Committee on Transportation  
Telephone: (808) 768-5008  
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair  
Committee on Water & Land  
State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Subject: **House Bill 1864**  
**Relating to the Hawaii Community Development Authority**

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, I direct my testimony to HB 1864, which proposes to repeal the Hawaii Community Development Authority.

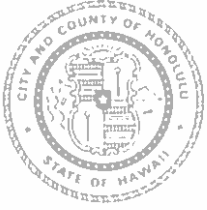
The initial mission of HCDA was to plan and facilitate the redevelopment of the Kakaako area of urban Honolulu. As all areas surrounding Kakaako are under the planning and development jurisdiction of the City & County of Honolulu, HCDA's efforts are essentially duplicative and grossly infringe on County home rule. The City is fully capable of planning and managing the development of the Kakaako area, and for that reason I support the intent of this Bill.

I encourage your favorable consideration of this measure.

Sincerely,

A handwritten signature in black ink that reads "Breene Harimoto". The signature is written in a cursive style with a long horizontal flourish at the end.

Breene Harimoto  
Councilmember, District VII



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065

**BREENE HARIMOTO**  
Councilmember District VIII  
Chair, Committee on Transportation  
Telephone: (808) 768-5008  
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair  
Committee on Water & Land  
State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Subject: House Bill 1865  
Relating to the Hawaii Community Development Authority

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, I direct my testimony to **HB 1865**, which proposes a one-year moratorium on the Hawaii Community Development Authority's approval of plans or projects in the Kakaako Community Development District.

Over the past two years, the HCDA has been approving massive development projects at breakneck speed. The impact of those approvals is only now becoming apparent. To assure that Kakaako truly becomes the quality community the public desires, I believe it fully appropriate to put a one-year (or more) pause on any new approvals to give time to assess the impact of previous approvals and re-evaluate HCDA's plans and direction for Kakaako.

I encourage your favorable consideration of this measure.

Sincerely,

A handwritten signature in black ink that reads "Breene Harimoto". The signature is written in a cursive, flowing style.

Breene Harimoto  
Councilmember, District VII



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065

**BREENE HARIMOTO**  
Councilmember District VIII  
Chair, Committee on Transportation  
Telephone: (808) 768-5008  
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair  
Committee on Water & Land  
State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Subject: **House Bill 1866**  
**Relating to the Hawaii Community Development Authority**

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, however, I direct my testimony to **HB 1866**, which proposes amendments to the manner in which members are appointed to the HCDA.

For all practical purposes, HCDA is a planning and development authority with sole control over a huge area in the middle of urban Honolulu. That area, however is neither an island nor a silo, it interfaces directly with urban areas on all sides where planning and development regulations are under the control of the City and County of Honolulu. To assure the proper and essential coordination and cooperation between HCDA and the City on matters of land use, transportation and basic public infrastructure, I strongly encourage this Committee to include the City's Director of the Department of Planning and Permitting as a designated voting member of the HCDA.

I firmly believe that including the City's planning director on the Authority will greatly enhance inter-jurisdictional coordination and cooperation, and result in improved planning and development within this greater part of Honolulu.

The Honorable Cindy Evans  
February 8, 2014  
Page 2

I thank you for your kind attention, and ask for your support of this proposed amendment to the composition and manner of appointment of members to the Hawaii Community Development Authority.

Sincerely,

A handwritten signature in black ink, appearing to read "Breene Harimoto". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Breene Harimoto  
Councilmember, District VIII





# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065

**BREENE HARIMOTO**  
Councilmember District VIII  
Chair, Committee on Transportation  
Telephone: (808) 768-5008  
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair  
Committee on Water & Land  
State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Subject: House Bill 1867  
Relating to the Hawaii Community Development Authority

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, however, I direct my testimony to **HB 1867**, which establishes certain building restrictions and prohibitions.

The public purpose for HCDA should be to create a quality, affordable environment for Hawaii's residents, and not to simply maximize development density. The development restrictions and prohibitions included in this Bill will help HCDA to meet that true public propose.

I encourage your support of this measure.

Sincerely,

A handwritten signature in black ink that reads "Breene Harimoto". The signature is written in a cursive style.

Breene Harimoto  
Councilmember, District VII

**Testimony Supporting HB 1864**  
(also HB 1860, HB 1861, HB 1863, HB 1865, HB 1866, HB 1867)  
Galen Fox, Kaka'ako United

Chair Evans, Representatives:

I'm Galen Fox and support HB 1864. I identify strongly with the Neil Abercrombie who as state senator, supplied the sole vote against state seizure of 600 of Honolulu's downtown acreage. I also identify strongly with the Neil Abercrombie who as a U.S. congressman said in 2005 that "the best solution is for the Legislature to repeal the act that brought the HCDA into existence and put the authority back with the city."

The city has managed urban development in Honolulu with increasing skill over the decades. It has a planning commission, a building full of civil servants who manage planning, zoning, traffic, sewers, parks, transit operating districts, build bike paths and press for alternatives to vehicle travel, regulate parking, protect trees, insure developers build truly affordable housing, limit building heights, limit building densities, insure view corridors are maintained, and exact impact fees from developers to pay for schools, parks, roads, sewers, beautification, bike paths, and affordable housing, all according to strictly enforced ordinances and rules. HCDA does none of this.

HCDA--and the state--isn't equipped to run effectively an urban core neighborhood. HCDA is in over its head, and that, unfortunately, has been the truth for most of its existence.

We residents suffer. HCDA pays no attention to Kaka'ako businesses or residents, and we in turn have zero leverage over HCDA, which seems to answer to the Governor (a majority of board voting members are hired by the Governor). We would love to have the City Council govern us instead of HCDA, with a representative from our area holding one of nine Council votes.

The "Broken Trust" Bishop Estate board all eventually lost their jobs. It's time for the HCDA "broken trust" to end, and for Kaka'ako to return to the city. Pass HB 1864, unamended. I also support passage of HB 1860, HB 1861, HB 1863, HB 1865, HB 1866, and HB 1867. Mahalo.

February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Albert Hackbarth and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Thank you for the opportunity to testify in opposition to HB 1865.

Albert Hackbarth  
Public Relations  
TDA  
amhackbarth@hotmail.com

February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Stephanie Pham and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Thank you for the opportunity to testify in opposition to HB 1865.

Stephanie Pham  
phamstepanie52@gmail.com

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

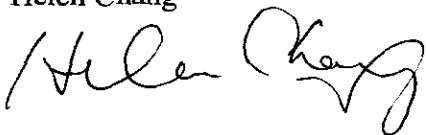
Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Helen Chang and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

I just returned home from getting my degree at Marist College and now that I have a job, I'd like to buy myself a starter home. Unfortunately the cost of real estate in Hawaii does not afford me to purchase a single family home at this time in an area that I desire to live. I was very pleased to hear about all of the new upcoming condominium developments in Kakaako. My first thought was now I can afford to purchase my first home a condo in Kakaako! It's near work, restaurants, nightlife, the ocean and my family. I can walk or bike everywhere. My friends and I are in Kakaako all the time now. It's where we all want to live. It's going to be a great lifestyle. Please help to support me in repealing HB 1865 and allow development to move forward, so that others like me will have options to purchase their own place and move back home

Thank you for the opportunity to testify in opposition to HB 1865.

Helen Chang



February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Cody Takata and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

I am a young professional raised in Hawaii and am pleased with what's happening in Kakaako and what this means for my generation. Unfortunately, there are those that are against new developments in the Kakaako neighborhood. I kindly ask that you support myself and other young professionals like myself, and allow us to have the opportunity to live and work in urban Honolulu. Please, Honorable Representatives, Chairs and Committee members think of the younger generation and how important new development is to Hawaii's future

Thank you for the opportunity to testify in opposition to HB 1865.

  
Cody Takata

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Rockne Lee and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Rockne Lee, Flight Attendant



February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Colin Awa and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Colin Awa, High school Teacher

February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Patricia Lee and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Thank you for the opportunity to testify in opposition to HB 1865.

Patricia Lee, CPA  
patricialee@btsupport.com

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Linda Lam and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Linda Lam  
Deputy Program Manager for the Missile Integrated Project Team  
Air Force Life Cycle Management Center  
laml@stratcom.mil.

February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Melissa Wilkerson and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Thank you for the opportunity to testify in opposition to HB 1865.

Melissa Wilkerson  
mwilk@hotmail.com

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Lena Ing and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Lena Ing, Business Owner

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Mami Sekido and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Mami Sekido, Small Business Owner

February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Ruth Omoto and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Ruth Omoto, Retired



February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Richard Achuck and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Richard Achuck  
Retired Manufacturer

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Edwin Chu and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Edwin Chu  
Realtor

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
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**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Edwin Chu and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Edwin Chu  
Realtor

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
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**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Lily Miyashiro and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Lily Miyashiro  
Realtor  
Lmiyashiro08@gmail.com

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Karen Mayer and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Karen Mayer, Real Estate Agent

February 5, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
Hawaii State Capitol, Conference Room 325

**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Marcel Chan and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

Thank you for the opportunity to testify in opposition to HB 1865.

Marcel Chan  
Marcelchan59@yahoo.com

February 6, 2014

Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice Chair  
House Committee on Water & Land  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Hearing: Saturday, February 8, 2014 – 8:30am  
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**Re: HB 1865 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Evans, Vice Chair Lowen and members of the Committee:

My name is Mikki Villard and I am testifying in opposition to HB 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

There's lots of development planned for Kakaako, and that's the way it should be; build where there's already development and leave the rest of the island open for everyone to enjoy. The location is perfect to develop; there are empty and old concrete buildings, warehouses and parking lots, which need revitalization. New development projects of diversity and sizes are needed. You can have good urban neighborhoods, and you can have good country neighborhoods. Let's have both on Oahu. I am a supporter of development in Urban Honolulu and ask for your support to preserve our green land and improve, update and beautify our urban Honolulu, Kakaako. In order to do this we must allow for development to move forward.

Please support me in repealing HB 1865 and allow development happen where it should.

Thank you for the opportunity to testify in opposition to HB 1865.

Mikki Villard, Escrow Officer



Honorable Representative Cindy Evans, Chair  
Honorable Representative Nicole E. Lowen, Vice Chair  
Honorable Members of the Committee on Water & Land

Re: HB 1865 – **In Strong Support** relating to a 1 year moratorium of Hawaii Community Development Authority's (HCDA) approval of any plans or proposals for development in the Kakaako Community Development District from July 1, 2014 to June 30, 2015

Good Morning Chair Evans, Vice Chair Lowen and Members of the Committee on Water & Land:

I am Daisy Murai, a 40 year resident of Kapahulu and have lived in the Primary Urban City (PUC) on Oahu most of my life. I have seen the development and growth of the Kakaako District near Honolulu Harbor to Ala Moana Center. I am not oppose to change and development, but have seen too many high density, high rises being built or future plans for additional high rises in a very small area between the Downtown (Central or Financial Business District) and Waikiki, is very irresponsible by HCDA.

The traffic flow between Downtown and Waikiki has worsen with many motorists driving on Ala Moana and Kapiolani Boulevards as well as driving on surface streets of South, Cooke and Auahi Streets. HCDA is proposing to approve many more plans by the land owners and developers at such a rapid speed without addressing the infrastructural problems, which current exists, such as traffic congestion, sewer and water systems to handle the increasing density to such a small area. The City or State has no current plans to improve the infrastructure before 20 plus high rises will be built. This also includes the Pohukaina 700 foot tower near Mother Waldren Park, which HCDA also approved in 2013. The elevated Rail Transit System proposed by the City will be in full operation by 2019 and it runs through the streets of Kakaako of Halekauwila and Queen, were never fully addressed that the streets will be wide enough to accommodate the Rail while these buildings are being built, just conceptually drawings.

These are some of the reasons I **strongly support HB 1865** for a one year moratorium on HCDA. To continue building many more & taller high rises in such a dense area is similar to blowing up a balloon till it pops.

Thank you for the opportunity to speak.

Daisy Murai, member of the General Public  
3039 Kaunaoa Street  
Dated: February 7, 2014

Date of Hearing: February 8, 2014, Saturday  
Time of Hearing: 8:30 am  
Place of Hearing: Conference Room 325

To Representative Cindy Evans  
Chair, Water & Land Committee  
State Capitol  
Honolulu, HI 96813

*Saturday, February 8, 2014, 8:30 A.M.*

**I am writing in opposition to House Bills 1860, 1861, 1863, 1864, 1865, and 1866.**

In one way or another these bills seek to modify or eliminate the way that the Hawaii Community Development Authority operates or provides services to the public. I believe that making any changes at this point in time to the authority would slow the opportunity for people to own homes or condominiums in Kakaako at a time when housing is sorely needed. As someone who is employed in the area I can tell you that this kind of option is really needed.

I would jump at the chance to own a high or low-rise condominium home in the Kakaako district. I think the district will prove its worth time-and-time again as families and people like myself actively seek to find more affordable housing in an urban setting that will be closer to work and other amenities like cafes, parks, lofts, stores, and high-rises with affordable and other housing options.

Thank you for the opportunity to offer these comments.



Shantise Eliasson  
726 Menehune Lane  
Honolulu, HI 96826

To Representative Cindy Evans  
Chair, Water & Land Committee  
State Capitol  
Honolulu, HI 96813

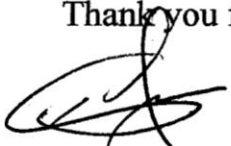
*Saturday, February 8, 2014, 8:30 A.M.*

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Thank you for the opportunity to offer these comments.



Sergio Tejada  
627 South St #102  
Hon., HI 96813

To Representative Cindy Evans  
Chair, Water & Land Committee  
State Capitol  
Honolulu, HI 96813

*Saturday, February 8, 2014, 8:30 A.M.*

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Thank you for the opportunity to offer these comments.

Jeffrey Santos  
183 Kuulei Road  
Kailua, HI 96734



To Representative Cindy Evans  
Chair, Water & Land Committee  
State Capitol  
Honolulu, HI 96813

*Saturday, February 8, 2014, 8:30 A.M.*

**I am writing in opposition to House Bills 1860, 1861, 1863, 1864, 1865, and 1866.**

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Thank you for the opportunity to offer these comments.



Catherine Paredes  
1602 Tinker Ave  
Honolulu, HI 96818

To Representative Cindy Evans  
Chair, Water & Land Committee  
State Capitol  
Honolulu, HI 96813

*Saturday, February 8, 2014, 8:30 A.M.*

**I am writing in opposition to House Bills 1860, 1861, 1863, 1864, 1865, and 1866.**

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Thank you for the opportunity to offer these comments.

*Shantelle Alcaide*

SHANTELE ALCAIDE  
91-1067 HANALUA ST.  
ENA BEACH, HI 96706

Downtown Capital LLC  
215 N. King Street, Suite 1000  
Honolulu, Hawaii 96817  
Phone (808) 526-2027 Fax (808) 526-2066

Testimony of Ryan Harada  
Downtown Capital LLC

House Committee on Water & Land  
Representative Cindy Evans, Chair  
Representative Nicole E. Lowen, Vice Chair

HB 1860, 1861, 1863, 1864, 1865, 1866, & 1867 Relating to the Hawaii Community  
Development Authority  
Saturday, February 8, 2014, 8:30 a.m., Conference Room 325

Dear Chair Evans, Vice Chair Lowen, and Members of the Committee

My name is Ryan Harada. I represent Downtown Capital LLC, the Developer of the 801 South St condominium project located on Kapiolani Blvd. & South Street. Our Project:

- Provides housing for middle-income Hawaii residents;
- Generates local jobs – 350 construction workers and business for 50 companies that design, supply, and manufacturer materials
- Creates a workforce community because 801 South St will be occupied by full-time, Hawaii residents

To be clear, if similar Bills were passed two years ago, there would be no 801 South St, and 1,000+ families would not have the opportunity to live in a new condominium in Kakaako. Accordingly, we oppose any Bill that:

- Creates excessive legislative oversight of HCDA, thereby defeating its purpose as a Redevelopment Authority;
- Limits density to 3.5 – without a density bonus, Developers will only build higher-margin luxury projects, or ones subsidized by the Government and taxpayers;
- Repeals HCDA, eliminates its operating budget, or imposes a 1-year moratorium on any approval – this would effectively stop all construction in Kakaako

The last 100% for-sale affordable project built in Kakaako was 1133 Waimanu in 1996. After years of public input, HCDA amended its Rules in 2011 that facilitates construction of workforce housing. After overwhelming Buyer interest, Phase 1 of 801 South St commenced construction in 2013. I urge this Committee not to undermine HCDA's efforts to increase housing for middle-income Hawaii residents.





Testimony before the  
House Committee on Water and Land

IN SUPPORT OF EIGHT HOUSE BILLS TO IMPROVE HCDA

Saturday February 8, 2014 8:30 AM in room 325

Aloha Representative Evans and Members of the House Committee on Water and Land,

The Outdoor Circle supports greater transparency, public oversight, and higher minimum building requirements for decisions made by the HCDA, in order to ensure that the Kaka'ako of the future can support a healthy, diverse community with intact viewplanes, adequate infrastructure, and high-quality public greenspace.

The Outdoor Circle has watched the HCDA and its rush to build a new Kaka'ako over the past decade. It has become increasingly clear that the agency has abused its duties with regard to development that is sensitive to the community and its needs. HCDA was granted superpowers to circumvent City laws when it is necessary, in order to develop the Kaka'ako area. Today, we see that HCDA has been allowed to go too far. The Outdoor Circle strongly supports greater controls on HCDA decision-making and would like to be included in the evaluation of high rise/ park space decisions in the future.

To this end, The Outdoor Circle supports the passage of:

HB1860  
HB1861  
HB1862  
HB1863  
HB1864  
HB1865  
HB1866  
HB 1867

**Improve Transparency and Accountability**

HCDA has not adequately engaged the community with discussions about their decisions that deviate from accepted planning principles. Longstanding community questions remain unanswered regarding future open space, park developments, traffic mitigation, carrying capacity, and the justifications for variances.

HCDA meetings appear as done deals even before the hearing begins, where Board members

1314 S. King Street #306 • Honolulu, Hawai'i 96814  
Phone: 808-593-0300 • Fax: 808-593-0525 • Email: [mail@outdoorcircle.org](mailto:mail@outdoorcircle.org) • [www.outdoorcircle.org](http://www.outdoorcircle.org)

robotically approve projects. Never through 2 HCDA executive directors has the HCDA mitigated issues for the public or appeared to be genuinely concerned. The Board shrugs off very real concerns about adequate open space, where the parks will be, and the need to solve to the sewer odors that plague the area.

To address this, HCDA should be required to respond orally to all concerns raised by the public at the decision-making hearing before the board makes a decision. HCDA must also explain orally and in writing why modifications recommended by residents were not incorporated before approving the project.

### **Uphold minimum building standards, green space and affordable housing**

The Outdoor Circle is especially concerned with the lack of sufficient open space, trees and parks in the Kaka'ako area. The HCDA's mission was to streamline development projects under its jurisdiction. It has approached its mission without adequate vetting of issues like density, height limits and infrastructure thoroughly.

HCDA has granted permission to block viewplanes, change mauka-makai building footprints, increase the density, increase the height of tall buildings, and ignore failing infrastructure. It has not clearly explained to the public about specific areas set aside for shade trees, parks and schools. It rubberstamps dense high rise development and zealously gives variances for setbacks, building configurations and even gives permission to projects above the City's 400 foot height limit. This will forever damage the ocean to mountain views we all treasure greatly.

At the same time, no carrying capacity analysis has been conducted for the Kaka'ako area. We have never received any answers about the number of parks and where green space will be located and what will happen to Mother Waldron Park. HCDA has not demonstrated any concern for sea level rise or presented plans for what Dr. Fletcher calls "intrusion areas," like Kaka'ako where flooding will be prominent.

HCDA's authority to streamline development in Kaka'ako does not include unchecked authority to ignore all basic principles of good planning. We want to ensure a high-quality of life for current and future residents of Kaka'ako. That is why we urge the Legislature to impose the following minimum, common-sense requirements on HCDA project permits:

- A 300 feet minimum distance between buildings that are 100 feet or taller,
- Height limits of 400 feet for Kaka'ako Mauka buildings, and
- Buildings taller than 100 feet must be oriented on a mauka-makai axis.
- Denser buildings must provide more public park space. Little gardens on the top of condominiums and privately owned plazas should not count towards the minimum quota of publicly accessible green space.

### **Balance HCDA Board**

The HCDA Board lacks adequate representation from the communities directly affected by its decisions. HCDA hearings are characterized by indifference to the community speakers, the lack of attempts to mitigate issues that are presented, and an overall lack of empathy and attention to the testimony presented. Something is wrong when project after project holds no discussion, no

rational explanations for variances granted, and continual unanimous votes one minute after the testimony is closed.

HCDA's decisionmaking process would be more improved with a more balanced representation on the Board. HCDA's Board must include representatives from the communities affected by its decision.

### **Empower Citizen Litigation**

To ensure compliance with all requirements imposed on HCDA's evaluation, decisionmaking, and permitting process, The Outdoor Circle supports empower the public to act as a private attorney general. This will enable residents to bring a civil suit against HCDA if HCDA fails to perform any act or duty required under the enabling statute for HCDA, Hawaii Revised Statutes Chapter 206E. At the present time, an individual is completely helpless and has no recourse when the HCDA breaks rules, circumvents laws or does not perform their duty under the law. Adding a citizen suit provision will give the public authority -- at their own expense -- to challenge any wrong actions performed by the HCDA.

### **Zero Base Budgeting**

The Outdoor Circle supports zero-base budgeting for HCDA. This approach to budgeting eliminates HCDA's base operating and investment capital budget, meaning it would receive automatic funding each year. Rather, the agency must justify its annual budget to the Legislature -- and the public. This system imposes direct accountability on the agency for decisions it makes throughout the previous year.

### **One-year Moratorium**

HCDA's approval process should be slowed to enable more transparency and reasoned decision-making. Kaka'ako needs significant improvements in basic municipal services: expanded sewer capacity, watermain infrastructure, and green infrastructure. A one-year moratorium on all HCDA decisions in Kaka'ako may give the time needed to evaluate these needs, implement solutions, balance representation on the HCDA Board, and improve the HCDA hearing and decision-making process.

Thank you for the opportunity offer this testimony in support of a better future for Kaka'ako residents.



## THE OUTDOOR CIRCLE

Regarding the Proposed Re-Development in Kaka'ako  
Public Statement of The Outdoor Circle  
Fall 2013

### **Do Not Pave Over Paradise**

The redevelopment of Kaka'ako sounded like an exciting proposition after the State Legislature created the Hawai'i Community Development Authority in 1976. Although the City protested the takeover, the State argued in favor of a plan to develop an underutilized area of Hawai'i that would provide economic opportunities to the state. Honolulu residents, they said, could look forward to modern urban planning, residential and business opportunities, shops, restaurants and offices, housing for all income levels as well as open space, parks, and recreational areas.

Today, thirty seven years later, proposals for high-rise monoliths that "pave over paradise," disregard significant sites, and block viewplanes have led many residents to reassess the benefits of such large scale development.

While the Circle remains supportive of the concept underlying Community Development Districts, it cautions HCDA board members to keep livability and quality of life factors in mind when redeveloping Kaka'ako and asks the City & County of Honolulu to exercise judicious oversight in areas that would impact the public good.

### **The Outdoor Circle recommends the HCDA do the following:**

1. Conform with City Ordinances: Although the state HCDA has the statutory authority to control the height, density, zoning and other controls irrespective of city ordinances, variances should be granted sparingly, if at all. The City height limit is 400' and several Kaka'ako projects are proposed for 700'. The 40-story Ala Moana Hotel is 400'. A 700' structure would be almost double that height!
2. Use Community Suggestions: The HCDA should not only listen to and record the concerns of civic organizations, citizens and neighbors but be required to demonstrate its use of community suggestions to guide their decisions. This requirement for actual

attention to community concerns would help make HCDA planning more transparent, and thereby strengthen the public's trust in the planning process.

3. Defer to the City for Utility Load Analysis: The City & County's power to issue building permits and determine the adequacy of sewer and water resources should be exercised to assure that heavy commercial development does not undermine the city's infrastructure at taxpayer expense. This is especially critical in development around rail stations. The question of carrying capacity in Kaka'ako must take into consideration the foreseeable rise in sea level and increase in the frequency and severity of storms.

4. Retain Parks, Open Space and View Planes: HCDA must assure these are provided within their development area. Swimming pools and recreational decks solely for a building's residents are not sufficient compensation for the public's loss of open space. Children need parks with basketball courts, baseball and soccer fields and if not provided on site, HCDA should assist the City with resources to provide these amenities. Other improvements include first floor setbacks to provide more open space on the street level. And, finally, with so many high rises on the drawing boards, the HCDA must require and ensure sufficient space between buildings to retain view planes so residents and visitors will know they are still in Hawai'i nei.

**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 08, 2014 10:27 AM  
**To:** waltestimony  
**Cc:** management@hawaiishoppingcenter.com  
**Subject:** Submitted testimony for HB1864 on Feb 8, 2014 08:30AM

**HB1864**

Submitted on: 2/8/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachelle Nobriga	Individual	Support	No

Comments: Very Much in favor/support of the ABOLISHment of the HCDA as soon as possible... and.. all decisions made by HCDA in last five (5) years be reviewed. IN FAVOR/SUPPORT OF: HB-1860 HB-1861 HB-1862 HB-1863 HB-1864 HB-1865 HB-1866 HB-1867 PLEASE DO ALL POSSIBLE TO ABOLISH THE HCDA. Very much in Favor of HB-1864... PLEASE PASS HB-1864... that would solve all problems... start fresh with redevelopment plans.. Thank You, Rachelle Nobriga POBBox 61769 Honolulu, Hawaii 96839 email: management@hawaiishoppingcenter.com

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# Hawai'i Construction Alliance

P.O. Box 179441  
Honolulu, HI 96817  
(808) 348-8885

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February 7, 2014

The Honorable Cindy Evans, Chair  
The Honorable Nicole E. Lowen, Vice Chair  
and Members  
Committee on Water and Land  
Hawai'i State House of Representatives  
415 South Beretania Street  
Honolulu, Hawai'i 96813

## **RE: Strong Opposition to HB1865**

Dear Chair Evans, Vice Chair Lowen, and members of the committee:

The Hawai'i Construction Alliance would like to express its strong opposition to HB1865, which would impose a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Hawai'i Masons Union, Local 1 and Local 630; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local Union No. 3. Together, the four member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the four basic crafts of Hawai'i's construction industry.

In 1976, the State Legislature established the Hawai'i Community Development Authority ("HCDA") as a new agency "to join the strengths of private enterprise, public development and regulation into a new form capable of long-range planning and implementation of improved community development." (HRS §206E-1).

Over the past three decades, HCDA has proceeded in pursuing this goal, and as a result, a number of beneficial projects have been brought to fruition including residential projects like One Waterfront Tower, Royal Capitol Plaza, and Kauhale Kaka'ako; commercial spaces like Ward Villages, the shops at 680 Ala Moana, and the retail shops within Imperial Plaza; and community amenities like the Kaka'ako Waterfront Park, the John A. Burns School of Medicine, and the Children's Discovery Center. In addition, HCDA has delivered many millions of dollars of important infrastructure improvements that current residents, business owners, and visitors to Kaka'ako enjoy today.



The proposed moratorium would delay the transformation of Kaka‘ako into a place where the next generation of local residents can live, work, play, and raise families – which has already been underway for the past three decades – by halting delivery of housing for Hawai‘i families, new commercial spaces for local entrepreneurs, and infrastructure improvements for the area. Additionally, a moratorium would also have lasting impacts on our members – hundreds of whom are already at work on projects in Kaka‘ako – and effectively prevent them from making a decent living practicing their trade.

A moratorium would do little to address the concerns of those who have raised questions about the HCDA’s decision-making and internal procedures.

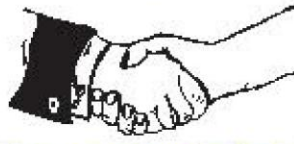
Therefore, we respectfully urge your committee to defer this bill, and instead examine policies which will constructively improve HCDA’s processes, ensure accountability, and inspire public confidence.

Mahalo,

A handwritten signature in black ink that reads "Tyler Dos Santos-Tam". The signature is fluid and cursive, with the first name "Tyler" being the most prominent.

Tyler Dos Santos-Tam  
Executive Director  
Hawai‘i Construction Alliance  
[execdir@hawaiiconstructionalliance.org](mailto:execdir@hawaiiconstructionalliance.org)

**HAWAII OPERATING ENGINEERS  
INDUSTRY STABILIZATION FUND**



*Uniting our strengths and working together  
for a better tomorrow.*

Affiliated AFL-CIO  
OPEIU - 9 - AFL-CIO (9)

February 6, 2014

TO: The Honorable Cindy Evans, Chair  
The Honorable Nicole E. Lowen, Vice Chair and  
Members of the House Committee on Water & Land

Date: February 08, 2014  
Time: 8:30 a.m.  
Place: Conference Room 325, State Capitol

FROM: Kimberly Ribellia, Government Liaison  
Hawaii Operating Engineers Industry Stabilization Fund

RE: Opposition of House Bill 1865– Relating to the Hawaii Community Development  
Authority

Good Morning, my name is Kimberly Ribellia, Government Liaison, of the Hawaii Operating Engineers Industry Stabilization Fund (HOEISF), a labor management fund representing 4000 unionized members in heavy engineering site work and 500 general contractors specializing in heavy site and vertical construction.

On behalf of Stabilization fund, I would like to state our **strong opposition** of House Bill 1865 which imposes a one-year moratorium on the Hawaii Community Development Authority's approval of any plans or proposals for development in the Kakaako Community Development District.

The proposed one-year moratorium will severely effect the construction industry which has been able to provide local jobs for local people. The moratorium will also slow down all opportunities for the development of workforce housing.

Again, the stabilization fund strongly opposes the passage of House Bill 1865. Thank you for consideration of this matter.

**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 2:20 PM  
**To:** waltestimony  
**Cc:** zinouye@hotmail.com  
**Subject:** \*Submitted testimony for HB1865 on Feb 8, 2014 08:30AM\*

**HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Zenn Inouye	Individual	Oppose	No

Comments:

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**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 2:48 PM  
**To:** waltestimony  
**Cc:** henry.lifeoftheland@gmail.com  
**Subject:** \*Submitted testimony for HB1865 on Feb 8, 2014 08:30AM\*

**HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Henry Curtis	Life of the Land	Support	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov  
Sent: Friday, February 07, 2014 3:15 PM  
To: waltestimony  
Cc: stimpson@hawaii.rr.com  
Subject: Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steve Timpson	Individual	Oppose	No

Comments: I oppose this bill and support the HCDA's master plan as it represents the best possible stewardship and conservancy of our island. Displacing the much needed and planned 18,000 housing units into West Oahu, Central Oahu or the North Shore instead of Kakaako, would require: • Utilities -- miles of sewer lines, water lines, electric lines, cable lines to be installed and maintained • Municipal services - significant numbers of buildings would be needed in terms of schools, offices, court houses, fire departments, police departments, hospitals, etc. etc. etc. • Roads - - additional freeways, highways and streets in new cities and subdivisions • Land -- the entire Ewa plain with 4000 housing units could be accommodated in 10 towers in Kakaako -- we'd have to have 4 Ewa plains to handle the same amount of housing that Kakaako could support • Fuel - More than 40 million gallons of fuel a year would be wasted with 18,000 units coming in to work everyday • Time - 18 million hours a year of added driving time would be wasted • Is there any reason to discuss that supporting housing in Kakaako is the right thing to do? • I oppose this bill and sincerely hope that you oppose it as well.

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**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 3:21 PM  
**To:** waltestimony  
**Cc:** joyce@jtahawaii.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alexandra Jackson	Individual	Oppose	No

Comments: As a 30 year old kama'aina who recently married, I sincerely hope that you will think about the future generations before making a decision about this bill. My husband and I work hard and are trying to hard to save enough money to purchase a condo in the Kakaako area. This is the only place close to where we work that we want to live and now you are threatening to take that away. All our friends have left the island exactly because of this archaic way of thinking. A few people who are retired want to stop g rowth while the majority of us who work and can't go to the hearings are being deprived of a lifestyle the retirees enjoy. Please listen to the young people of our island, they need and desire housing too. Please oppose this bill. Many thanks.

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February 7, 2014

Testimony of

Stefan Lavallee

Before the House Committee on Water & Land

February 8, 2014 8:30am, Conference Room 325

**In Support of HB 1865, Impose a 1 year moratorium on the HCDA approval of any development proposals in Kakaako**

Chairperson Evans and Members of the House Committee on Water & Land,

My name is Stefan Lavallee and I am resident of Kakaako for the past 9 years. I support HB 1865 to impose a 1 year moratorium on HCDA's approval of any development plans in Kakaako. Over the past 2 years, I've seen HCDA approve several Condominium projects without regard to the local infrastructure like Public Schools, Sewer system capacity, Roads and Traffic, and even Healthcare facilities. When HCDA is confronted with these issues, they put the onus back to the City & County to ensure the Sewer capacity is up to standard; they say it is the Dept.of Education's responsibility to provide schools. They don't even address the issue if Queens and Straub (the two closest hospitals) have the capacity to handle additional residents that will be buying the condominium projects they approve.

The Kakaako infrastructure needs to be addressed before any further housing developments are approved; Schools, Sewer/Water, Roads, and Healthcare facilities.

A 1 year moratorium needs to be placed on HCDA until all Kakaako infrastructure needs are addressed. I strongly urge you to pass HB 1865.

Thank you,

Stefan Lavallee



## lowen2-Lanaly

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 8:49 PM  
**To:** waltestimony  
**Cc:** daigoro@hawaii.rr.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

### HB1865

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Darryl	Individual	Comments Only	No

Comments: Mahalo for your time. I live in Kakaako and have been directly impacted by the development process and HCDA. One of my biggest concerns is that the entire process for the development of Kakaako is so skewed in favor of the developers and BIG money. When projects are announced by HCDA, we citizens living in Kakaako are usually blind-sided by the projects and are given about a month or so to provide feedback. We find out about new developments in the newspaper the day HCDA decides to post it. We have no notice from neighborhood boards or any other government agency of upcoming projects. Almost all of us know nothing about the development process, rules, regulations, laws, what is required and not required for projects to be built. The developers have years of planning and strategizing, decades of experience and us citizens have a month to learn all the rules, regulations, laws to become experts on the development process. This is completely unfair and makes me feel like we citizens are not able to be heard. Seems clear to me that this is the developers and HCDA's? strategy to make it easier to push projects through. Announce the project with no prior notice, give the public very little time to respond, overwhelm the public with the amount of time and effort required to adequately respond, and most times people won't make a big fuss because they feel they don't have the time and effort required to fight back. Lucky for us we had a resident that had the time and drive to get the word out about 803 Waimanu project, which help people to get together to see what could be done to oppose the original project. This required so much time and effort by many people to do research about the development process. None of us knew where to start. I'm sure this happens more often than people realize where residents and communities are left to "figure things out" on their own, when the experienced developers know all the rules. What I would like to see is a more transparent and accountable process that allows adequate notification to the community, what our rights are, what the benefits and drawbacks for each new project are, what can we do to help make the project work, etc. Also it is very difficult to attend HCDA hearing when it is during the weekday during working hours. This is another barrier for adequate public input. I can't keep taking days off from work to attend the hearings. All this and more makes it very apparent that HCDA gives preferential treatment to developers and this process needs to change. How can we citizens give adequate input when we don't have the knowledge and time?

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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# LABORERS' INTERNATIONAL UNION OF NORTH AMERICA LOCAL 368



**PETER A. GANABAN**  
*Business Manager/  
Secretary-Treasurer*

**ALFONSO OLIVER**  
*President*

**JOBY NORTH II**  
*Vice President*

**TONI FIGUEROA**  
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*Executive Board*

**JAMES DRUMGOLD JR.**  
*Executive Board*

**LEIMOMI JOHNSON**  
*Executive Board*

**MARK MAGUSARA**  
*Auditor*

**MARK TRAVALINO**  
*Auditor*

**JOSEPH YAW**  
*Auditor*

**LEUMA L. LEATUMAUGA**  
*Sergeant-At-Arms*

February 7, 2014

Honorable Cindy Evans, Chair  
Honorable Nicole Lowen, Vice Chair  
Members of the Committee on Water & Land

RE: HB1865 Relating to the Hawaii Community Development Authority

Dear Chair Evans, Vice Chair Lowen and members of the Committee:

The Hawaii Laborers' Union is in strong opposition to HB1865 which establishes a moratorium prohibiting the HCDA from approving any plans or proposals for development in the Kakaako Community Development District.

There are existing master-plan permittees (Kamehameha Schools and Victoria Wards/Howard Hughes Corporation) that are required to construct qualified income low/moderate income housing units as a function of their development. The Kamehameha Schools Keauhou Lane, Block B projects were scheduled to be heard in 2014 and will be impacted and given changing market conditions and timing may be lost. Furthermore, two hundred or more qualified income low/moderate income units may not be built.

A moratorium will also affect the planned \$20 million Kewalo Basin Harbor Improvement Project.

There will be a chilling effect on the construction industry.

Thank you for the opportunity to submit this testimony in opposition to HB 1865.

Sincerely,

Al Lardizabal,  
Government Relations

## lowen2-Lanaly

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 08, 2014 1:57 AM  
**To:** waltestimony  
**Cc:** michelematsuo@yahoo.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

### **HB1865**

Submitted on: 2/8/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
michele matsuo	Individual	Support	No

Comments: I strongly support a moratorium on any HCDA approval given or pending, but request that the moratorium extend until all infrastructure concerns can be addressed fully and implemented to the satisfaction of the residents and users of kakaako. Further, I request that as part of the approval process, including any approvals already given but where the projects are not yet completed and certificates of occupancy issued, that all applicants to HCDA be required to submit studies of the projected flooding in the area for the 21st century, study and disclose to HCDA and the public how their proposals may exacerbate the flooding in the area as well as adversely impact the island's fresh water supply, and indemnify and hold harmless all levels of government for insufficient ingress and egress to their project sites.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Testimony of Glenn Ida  
Representing  
The Plumbers and Fitters United Association, Local 675  
1109 Bethel St. Lower Level  
Honolulu, Hi. 96813

Committee on Water and Land  
Rep. Cindy Evans, Chair  
Rep. Nicole Lowen, Vice-Chair  
Saturday, 2-8-2014  
8:30 AM, Room 325

Re: Opposition of HB1864, Relating to the Hawaii Community Development Authority

Aloha Chair Evans, Vice-Chair Lowen and Members of the Committee,

My name is Glenn Ida representing the 2000 active members and retirees of the Plumbers and Fitters UA, Local 675. Local 675 is an affiliate of the Hawaii Building and Construction Trades Council.

Local 675 opposes HB1864, which imposes a 1 year moratorium on HCDA approval plans or proposals for development in the Kakaako community development district. Effective July 1, 2014 and repealed on June 30, 2015.

Thank you for this opportunity to testify.

Mahalo, Glenn Ida  
808-295-1280



## HAWAII LABORERS-EMPLOYERS COOPERATION AND EDUCATION TRUST

1617 Palama Street · Honolulu, HI 96817 · Phone: 808-845-3238 · Fax: 808-845-8300 · URL: [hilecet.org](http://hilecet.org)

### TESTIMONY OF HAWAII LECET CLYDE T. HAYASHI - DIRECTOR

HOUSE OF REPRESENTATIVES  
THE TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2014

#### COMMITTEE ON WATER & LAND

Rep. Cindy Evans, Chair  
Rep. Nicole E. Lowen, Vice Chair

Rep. Ty J.K. Cullen	Rep. Calvin K.Y. Say
Rep. Faye P. Hanohano	Rep. Scott Y. Nishimoto
Rep. Derek S.K. Kawakami	Rep. Richard Lee Fale
Rep. Chris Lee	Rep. Cynthia Thielen

#### NOTICE OF HEARING

DATE: Saturday, February 08, 2014  
TIME: 8:30am  
PLACE: Conference Room 325  
State Capitol  
415 South Beretania Street

### TESTIMONY ON HOUSE BILL NO. 1865, RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

TO THE HONORABLE CINDY EVANS, CHAIR, NICOLE LOWEN, VICE CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Clyde T. Hayashi, and I am the Director of Hawaii LECET. Hawaii LECET is a labor-management partnership between the Hawaii Laborers Union, Local 368, and its unionized contractors.

Mahalo for the opportunity to testify in **opposition** to House Bill No. 1865, which establishes a one year moratorium where the HCDA shall be prohibited from approving any plans or proposals for development in the Kakaako Community Development District.

A moratorium of any kind will have an adverse effect on our State's recovering construction industry and economy. It will stall improvement or development projects for which infrastructure already exists, financing that is readily available, and where there is an interest in investing money into the community development district.

In addition, a moratorium will hurt the members of the Hawaii Laborers Union, Local 368, many of whom are still unemployed and continue to struggle to find work.

For these reasons, Hawaii LECET is in **opposition** to House Bill No. 1865.

I support HB 1865...

I support HB 1865 because I am deeply concerned about the ongoing uncontrolled rate of development approvals (particularly condo tower approvals) by HCDA. Therefore, I agree with a 1-year moratorium on development project approvals by HCDA.



**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 07, 2014 3:11 PM  
**To:** waltestimony  
**Cc:** leiotaloha@yahoo.com  
**Subject:** Submitted testimony for HB1865 on Feb 8, 2014 08:30AM

**HB1865**

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Julie Nishimura	Individual	Support	Yes

Comments: Testimony before the House Committee on Water and Land Saturday, Feb. 8, 2014. 8:30am Dear Chairwoman Evans and Members of the House Committee on Water and Land, My name is Julie Nishimura, and I support HB 1865. A large number of condo projects in Kakaako are being approved at a fast pace. I am very concerned about whether the infrastructure needs of the current and future residents of Kakaako will be met (sewers, roads, water, drainage, utilities, emergency services, schools, parks). I think it would be wise to approve a 1-year moratorium on development project approvals until this can be addressed. I urge you to pass HB 1865. Thank you for the opportunity to submit testimony.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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## lowen2-Lanaly

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**From:** GlennShiroma@hawaiiantel.net  
**Sent:** Friday, February 07, 2014 2:52 PM  
**To:** lowen2-Lanaly  
**Subject:** Fwd: Testimony before House Water and Land Committee on 02-08-14 (Hawaii Community Development Authority)  
**Attachments:** 0402 S Memo 12-11 Shiroma re Adequacy of Agenda.PDF

Part II of II

----- Original Message -----

**Subject:** Testimony before House Water and Land Committee on 02-08-14 (Hawaii Community Development Authority)

**Date:** Fri, 07 Feb 2014 14:20:07 -1000

**From:** [GlennShiroma@hawaiiantel.net](mailto:GlennShiroma@hawaiiantel.net)

**To:** House Water & Land Committee Testimony <[WALTestimony@capitol.hawaii.gov](mailto:WALTestimony@capitol.hawaii.gov)>

**CC:** Anthony Ching (Hawaii Community Development Authority, Executive Director) <[Tony@hcdaweb.org](mailto:Tony@hcdaweb.org)>, Lori Tanigawa (HCDA, Deputy AG - 8396) <[lori.n.tanigawa@hawaii.gov](mailto:lori.n.tanigawa@hawaii.gov)>, Randy Grune (DOT Harbors, Deputy Director 12/31/2014) <[Randy.Grune@hawaii.gov](mailto:Randy.Grune@hawaii.gov)>, Luis Salaveria <[luis.p.salaveria@hawaii.gov](mailto:luis.p.salaveria@hawaii.gov)>, Richard Lim (DBEDT Director 12/31/2014) <[richard.lim@dbedt.hawaii.gov](mailto:richard.lim@dbedt.hawaii.gov)>, Bruce Coppa, (Governor's Chief of Staff - 12/31/2014) <[Bruce.Coppa@hawaii.gov](mailto:Bruce.Coppa@hawaii.gov)>

Aloha Rep. Cindy Evans, WAL Chair and Nicole Lowen, WAL Vice Chair and Members of WAL..

**Testimony in STRONG SUPPORT** for the following: **HB1860** RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY; **HB1861** RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY; **HB1863** RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY; **HB1865** RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY; **HB1866** RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY; **HB1867** RELATING TO THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT.

**Testimony in VERY STRONG SUPPORT** for **HB1864** RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY (Repeals the Hawaii Community Development Authority).

**Hawaii Community Development Authority has REPEATEDLY VIOLATED Hawaii Revised Statutes, Chapter 92, Public Agency Meetings and Records**, Section §92-7 Notice. (a) The board shall give written public notice of any regular, special, or rescheduled meeting, or any executive meeting when anticipated in advance. The notice shall include an agenda which lists all of the items to be considered at the forthcoming meeting, the date, time, and place of the meeting, and in the case of an executive meeting the purpose shall be stated. The means specified by this section shall be the only means required for giving notice under this part notwithstanding any law to the contrary.

See attached file, HDCA Agendas 08,2013 to 02,2014 where Hawaii Community Development Authority

repeatedly agendas contained the following "Report of the Executive Director."

Any of substantive discussion that is not specific on the HCDA agenda is a violation of Hawaii Sunshine Law. Please review the HCDA minutes by following the link:

<http://dbedt.hawaii.gov/hcda/events/minutes/>

Office of Information Practices in attached file 0402 S Memo 12-11 Shiroma re Adequacy of Agenda issued an Memorandum of Opinion on April 02, 2012 on "'ADMINISTRATIVE OTHER BUSINESS" which did not contain specific agenda item on the DLNR, Commission on Water Resources agenda.

Thank you for this opportunity to testify.

Glenn Shiroma

----- Original Message -----

**Subject:**Hearing Notice HEARING\_WAL\_02-08-14\_ - HI State Legislature

**Date:**Tue, 28 Jan 2014 15:10:05 -1000

**From:**<[mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)>

**To:**<[mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)>

These measures have been added to the hearing notice: HB1860, HB1861, HB1863, HB1864, HB1865, HB1866, HB1867

You may view the hearing notice here:

[http://www.capitol.hawaii.gov/session2014/hearingnotices/HEARING\\_WAL\\_02-08-14\\_.HTM](http://www.capitol.hawaii.gov/session2014/hearingnotices/HEARING_WAL_02-08-14_.HTM)

You are receiving this e-mail because you have subscribed to a hearing notice via e-mail service. To unsubscribe, please sign in to your account with the Legislature and click on the EditAccount link on the upper right corner of the page. You may also call the Senate Clerk's Office (808-586-6720) or the House Sergeant-At-Arm's Office (808-586-6500).

The Adobe (PDF) version of the Hearing Notice may be available, in addition to the usual text version. Please check the website at:

<http://www.capitol.hawaii.gov>

Please use cut and paste if your email reader wraps or breaks the above URLs.

# CARL M. VARADY

ATTORNEY AT LAW

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1003 Bishop Street, Suite 1730  
Honolulu, Hawai'i 96813  
Telephone 808.523.8447  
Facsimile 808.523.8448  
e-mail: [carl@varadylaw.com](mailto:carl@varadylaw.com)

February 7, 2014

HOUSE OF REPRESENTATIVES  
THE TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2014

COMMITTEE ON WATER & LAND  
Rep. Cindy Evans, Chair  
Rep. Nicole E. Lowen, Vice Chair

Testimony re: HB 1860, HB 1861, HB 1862, HB 1863, HB 1864, HB 1865, HB 1866  
& HB 1867-Related to the Hawai'i Community Development  
Authority

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Chair Evans and members of the committee:

I represent the owners and occupants of Royal Captiol Plaza, which has filed a contested case proceeding before the Hawai'i Community Development Authority ("HCDA"), for granting a permit the development of the Tower B, at site of 801 South Street, where the Honolulu Newspaper Association/Advertiser Building is located. My clients strongly support legislation that limits the power of the HCDA to: (1) avoid environmental laws; (2) development ordinances and regulations of the City and County; (3) historic preservation and archeological statutes and regulations; and (4) permit development without strict adherence to objective standards; and (5) that is not subject to due process review or legislative oversight.

The Association of Apartment Owners of The Royal Capitol Plaza ("RCP-AOAO") are owners of a condominium tower located in the Kaka'ako mauka area at 876 Curtis Street, Honolulu, Hawai'i which is immediately Diamond Head of the approved 801 South Street Project, Phase II development. They believe the HCDA statute must be amended or the HCDA dissolved for the following reasons:



### HCDA is Insulated from Voters and State and Local Regulation

HCDA members are appointed, not elected, but exercise more power over Kakaako than State or City and County elected officials. Like the now-defunct Public Land Development Corporation ("PLDC"), the current HCDA operates as law unto itself with no legislative oversight and little if any public recourse through political remedies or other means to affect the process by which massive development is going on in Kakaako. Doing so, HCDA is impacting the resources, environmental quality, density and quality of life of Honolulu residents who can only stand by and watch as one project after another is approved without regard to existing law, regulation or HCDA's own standards.

Kaka'ako cannot be made as dense as San Francisco or New York unless sufficient infrastructure and regulation are in place to handle such density.

Anyone driving down South Street after a storm can smell the sewers that the City and County must maintain subject to an EPA consent decree and which continue to have problems. A recent survey on which HCDA relied could not be completed because one of the sewers was too full.

The 801 South Street project will have 1,700 parking spaces all of which will have to enter and exit on Kapiolani Boulevard or Kawaihao Street, through a sub-standard alley, every day. The area already is congested and density will continue to increase without regard to state or local regulations unless action is taken now.

The 801 South Street project exemplifies a number of concerns set out in detail in the request for contested case hearing attached hereto and summarized as follows:

### HCDA is Insulated and Raises Constitutional Concerns

Isolating decision making from political review will be found to be denial of due process of law where it is the result of improper delegation of legislative authority from the Hawai'i Legislature to an administrative body not subject to political oversight. See, Haw. Const., Article I, Section 5 and Article III, Section 1; *State v. Willburn*, 49 Haw. 651, 426 P.2d 626 (1967); *In re Kauai Elec. Div.*, 60 Haw. 166, 181 (Haw. 1978); see, *Whitman v. Am. Trucking Ass'ns*, 531 U.S. 457, 472 (U.S. 2001).

HCDA routinely leaves to developers the details of various projects. If HCDA delegates authority and responsibility to protect and preserve the public health and safety and character of the Kaka'ako area to a private entity or entities, such a delegation is invalid. *Ka Pa'akai O Ka'Aina v. Land Use Comm'n*, 94 Haw. 31, 51, 7





P.3d 1068, 1088 (Haw. 2000).

HCDA's administrative rules in HAR Title 15, Chapters 217 and 218, & § 15-218-55, including the "workforce housing rules" that contradict and/or conflict with the statute they purport to implement HCDA administrative rules, including without limitation, " *Foytik v. Chandler*, 88 Haw. 307, 319, 966 P.2d 619, 631 (Haw. 1998) (quoting *Hyatt Corp. v. Honolulu Liquor Comm'n*, 69 Haw. 238, 241, 738 P.2d 1205, 1206-07 (1987) (quoting *Agsalud v. Blalack*, 67 Haw. 588, 591, 699 P.2d 17, 19 (1985)).

HCDA's rules, including the "workforce housing rules" are invalid if they HCDA's authority under HRS §§206E-4, -5.5, -7, -31, -31.5 & -33 and improperly insulates HCDA's decision making from judicial review.

HCDA issues permits without revising its of the Mauka Area Plan and/or environmental impact statements which cannot be treated as static.

HCDA issues permits contrary to HRS § 6E, which requires archeological and historic surveys, including the permit for 801 South Street. Then acting Director of Historic Preservation told HCDA the 801 South permit specifically required surveys and other measures. See, Letter of Hon. William Aila, Jr. (October 9, 2013). HRS §6E-2 defines an historic property as "any building, structure, object, district, area or site, including heiau and underwater site, which is over fifty years old." As State Historic Preservation Officer William Aila, Jr., noted in his, letter, the implementing regulations of HAR § 13-284 set forth an historic preservation review process which consists of specific steps. Mr. Aila's letter further explained specific steps and their impact on 801 South Street. HCDA issued the permit without complying with Mr. Aila's demand.

#### Specific Criticisms of the 801 South Street Permit for Tower B

The following issues are raised by the 801 South Street Project Tower B:

The permit was the product of a hearing process in which HCDA predetermined the permit would be granted for Tower B, at the time it granted the permit for Tower A, which was not consistent with its own regulations and did not provide proper public notice, participation and hearing in violation of the Hawai'i Open Meetings Law, Haw. Rev. Stat., Chapter 92. HAR §15-217-85(f): Multiple permit approvals. "When a proposed project requires more than one permit approval, the applicant shall apply for all such permit approvals concurrently." The regulation requires concurrent filing of all projects in a multi-project development. Here, the filings were consecutive. If they had been disclosed as part of the same project as HCDA must have known they were, the public



would have been able to appreciate the true density of the project and responded accordingly.

In the opinion of the AOA the HAR §15-218-55(a)-(b) the Workforce Housing regulations are malleable and allow the HCDA to engage in speculation and, undermine their standards.

HAR § 15-217-2(c), Historic Preservation is part of HCDA's own regulations does not comply with HRS § 6E's requirements for specific detailed archeological and historic surveys. HCDA should not be allowed to ignore state law.

HAR § 15-217-2(c)(1)(A) addressees pedestrian orientation, but the 801 South Street towers add 1,700 parking spaces in an already congested area where ingress and egress will occur through one alley running between already overcrowded Kapiolani Boulevard and tiny Kawaihoa Street. With this many parking spaces being added, it is silly to argue that this is a pedestrian development for urban workers who will walk to work.

HAR § 15-217-56(d): Recreational and Open Spaces permits HCDA to require open space, which is very important in dense urban development. In the case of 801 South Street Tower B, HCDA counted the elevator lobby as "open space" and a hedge row by the alley as "recreational space."

More than anything else, HCDA and its "flexible" rules, subject to "interpretation" demonstrate that there are limits beyond which flexibility becomes arbitrary. Voters have no say in limiting the HCDA's authority to interpret its rules in a manner that makes them nothing more than words on paper. The Legislature must limit HCDA's authority before Kaka'ko becomes an unmanageable urban mess without infrastructure to support it, despoiling the aina and wreaking havoc for generations.

Governor, then-Congressman, Abercrombie, who opposed the HCDA for decades, expressed criticism of the HCDA's power and lack of political oversight most succinctly in 2005, stating, "This plan does not take into account our ordinary hard-working people of Hawaii," he said. "The best solution is for the Legislature to repeal the act that brought the HCDA into existence and put the authority back with the city."

"I think there is plenty of time to stand back and take a deep breath and decide whether we want the HCDA to continue to exist," he said.

(<http://archives.starbulletin.com/2005/11/15/news/story02.html>, accessed 2/7/14)



# CARL M. VARADY

ATTORNEY AT LAW

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January 2, 2014

**HAND DELIVERED**

Anthony J. H. Ching  
Executive Director  
Hawai'i Community Development Authority  
461 Cooke Street  
Honolulu, Hawai'i 96813

**SUBJECT:** First Revised Petition for relief from approval of Development Permit for Downtown Capital LLC 801 South Street Project, Phase II (Tax Map Key: 2-1-47:004) Issued by the Hawai'i Community Development Authority on December 4, 2013: Planned Development Permit No.: KAK 13-057

**FROM:** Petitioners  
Association of Apartment Owners of The Royal Capitol Plaza  
876 Curtis Street  
Honolulu, HI 96813

Dear Director Ching and Members of the Authority:

Petitioners bring this petition against the Hawai'i Community Development Authority ("HCDA") requesting contested case relief from its December 4, 2013, decision to approve the Development Permit for Downtown Capital LLC 801 South Street Project (Tax Map Key: 2-1-47:004) Development Permit Number KAK 13-057 ("Permit") pursuant to HRS §§91-1, -8 to -9, HRS §§206E1-E35 and HAR Title 15, Chapters 217, 218 & §§15-219-34 & -45 to -56, the United States and Hawai'i Constitutions and all applicable statutes, rules, regulations and legal and equitable principles, including, without limitation, those cited in Exhibit 1, attached.

**LEGAL AUTHORITY**

Petitioners believe that the permit was issued without legal authority and, in their opinion, that:

1. The permit is invalid because it results from a denial of due process of law and is the result of improper delegation of legislative authority from the Hawai'i Legislature to the HCDA. *See*, Haw. Const., Article I, Section 5 and Article III,





Section 1; *State v. Willburn*, 49 Haw. 651, 426 P.2d 626 (1967); *In re Kauai Elec. Div.*, 60 Haw. 166, 181 (Haw. 1978); see, *Whitman v. Am. Trucking Ass'ns*, 531 U.S. 457, 472 (U.S. 2001).

2. The permit is invalid because it results from an improper delegation of the HCDA's authority and responsibility to protect and preserve the public health and safety and character of the Kaka'ako area to a private entity or entities. *Ka Pa'akai O Ka'Aina v. Land Use Comm'n*, 94 Haw. 31, 51, 7 P.3d 1068, 1088 (Haw. 2000).
3. The permit is invalid because it results from HCDA rules that violate constitutional and/or statutory provisions, and/or exceed the statutory authority of the agency, including without limitation, Haw. Const. Article IX, Sections 6 and 8 and Article XI Section 9; HRS §§206E-5.5, -5.6 and §206E-33. *Foytik v. Chandler*, 88 Haw. 307, 319, 966 P.2d 619, 631 (Haw. 1998); *Puana v. Sunn*, 69 Haw. 187, 189, 737 P.2d 867, 870 (1987).
4. The permit is invalid because it results from HCDA administrative rules, including without limitation, HAR Title 15, Chapters 217 and 218, & § 15-218-55, that contradict and/or conflict with the statute they purport to implement. *Foytik v. Chandler*, 88 Haw. 307, 319, 966 P.2d 619, 631 (Haw. 1998) (*quoting Hyatt Corp. v. Honolulu Liquor Comm'n*, 69 Haw. 238, 241, 738 P.2d 1205, 1206-07 (1987) (*quoting Aagsalud v. Blalack*, 67 Haw. 588, 591, 699 P.2d 17, 19 (1985))).
5. The permit is invalid because it results from HCDA rules, including without limitation, HAR Title 15, Chapters 217 and 218, & § 15-218-55, which exceeds HCDA's authority under HRS §§206E-4, -5.5, -7, -31, -31.5 & -33 and improperly insulates HCDA's decision making from judicial review.
6. The permit is invalid because, without limitation HCDA's approval violated HAR §§15- 217-2 , -4 to -6, -8, -21 to -22, -24 to -27, -39, -53 to -59, -62 to -63, -90, and § 15-218-55 ; and provisions of the Mauka Area Plan Final Environmental Impact Statement ("FEIS") and/or Final Supplemental Environmental Impact Statement ("FSEIS"). The actions of HCDA in approving the permit were clearly erroneous, arbitrary and capricious, and result from improper delegation, abuse of discretion and a clearly unwarranted exercise of discretion. Furthermore, the permit is invalid because the proposal does not meet the criteria of HAR § 15-218-55. By granting the permit HCDA acted *ultra vires*.



By issuing the permit, HCDA: (a) failed to fulfill its public trust obligations in considering the development proposal and permit request; (b) failed to comply with the objectives, policies, and guidelines of its organic statute, implementing regulations, Mauka Development Regulations and Plan and, without limitation, issued a permit after the time allowed by rule; (c) failed to submit or require a supplemental FEIS and/or FSEIS for the proposed development; (d) created a public nuisance with 788 parking stalls approved in Phase II for a total of more than 1,700 vehicles added to the area when Phase I and Phase II are considered in total, without any significant traffic management plan; (e) ignored needed infrastructure improvements that are required by the City and County of Honolulu in order for the City and County to accept and maintain any such improvements; and (f) failed to preserve or otherwise avoid degradation of public, historical and environmental conditions at and adjacent to the site.

7. The permit was the product of a hearing process in which HCDA predetermined the permit would be granted, without proper public notice, participation and hearing in violation of the Hawai'i Open Meetings Law, Haw. Rev. Stat., Chapter 92.
8. A request for contested case hearing under HAR §15-219-46, on the HCDA's grant of Planned Development Permit No. KAK 13-057, is timely, and Petitioners have standing to bring the contested case. *Blake v. County of Kaua'i Planning Comm'n.*, SCWC-11-0000342 (Haw. Sup. Ct. Dec. 19, 2013); *Kilakila 'O Haleakala v. Board of Land & Nat. Res.*, SCWC-11-0000353 (Haw. Sup. Ct. Dec. 13, 2013); *Kaleikini v. Thielen*, 124 Hawai'i 1, 26, 237 P.3d 1067, 1092 (2010); *Pub. Access Shoreline Haw. v. Haw. Cnty. Planning Comm'n*, 79 Hawai'i 425, 431, 903 P.2d 1246, 1252 (1995).

### **PETITIONERS' INTEREST**

Petitioners Association of Apartment Owners of The Royal Capitol Plaza ("RCP-AOAO") are owners of a condominium tower located in the Kaka'ako mauka area at 876 Curtis Street, Honolulu, Hawai'i which is immediately Diamond Head of the approved 801 South Street Project, Phase II development. This Petition is brought on by and on behalf of the RCP-AOAO and others similarly affected by Planned Development Permit No. KAK 13-057. The injuries that the members of RCP-AOAO, other Kaka'ako residents and businesses located or utilizing the area adjacent to the land governed by Planned Development Permit No. KAK 13-057 by this development are detailed in this petition. The injuries of the RCP-AOAO from the project are



irreparable, involving their constitutional and civil rights and interests in real property, for which there is no adequate remedy at law.

#### **STANDARDS OF REVIEW**

1. On December 4, 2013, the HCDA approved the Planned Development Permit No.: KAK 13-057 for Downtown Capital LLC 801 South Street Project ("801 South Street"). Petitioners oppose HCDA's grant of this permit.
2. The development rules HAR, Title 15, Chapter 217 & 218 adopted September 14, 2011, are applicable to the development being contested in this case.
3. The 2011 Mauka Area Plan and the Mauka Area Rules ("MAR") are applicable and will be cited.
4. The contested case rules, HAR Title 15, Chapter 219, adopted February 1, 2012, are applicable and will be cited.

#### **PETITIONERS' OPPOSITION--LEGAL AND FACTUAL BASES**

1. Applying the following principles, which cannot be adjudicated and are outside the scope of HCDA's jurisdiction, it is Petitioners' opinion the permit cannot be and was not lawful:
  - a. The permit is invalid because it is the result of improper delegation of legislative authority from the Hawai'i Legislature to the HCDA. *See*, Haw. Const., Article III, section 1; *Alaka'i Na Keiki, Inc. v. Matayoshi*, 127 Haw. 263, 275, 277 P.3d 988, 1000 (Haw. 2012); *State v. Willburn*, 49 Haw. 651, 426 P.2d 626 (1967); *In re Kauai Elec. Div.*, 60 Haw. 166, 181 (Haw. 1978); *see, Whitman v. Am. Trucking Ass'ns*, 531 U.S. 457, 472 (U.S. 2001).
  - b. The permit is invalid because it results from an improper delegation of the HCDA's authority and responsibility to protect and preserve the public health, safety and character of the Kaka'ako area to a private entity or entities. *Ka Pa'akai O Ka'Aina v. Land Use Comm'n*, 94 Haw. 31, 51, 7 P.3d 1068, 1088 (Haw. 2000).
  - c. The permit is invalid because it results from HCDA rules that violate constitutional and/or statutory provisions, and/or exceed the statutory



- authority of the agency, including without limitation, Haw. Const. Article IX, Sections 6 and 8 and Article XI Section 9; HRS §§206E-5.5, -5.6 and §206E-33. *Foytik v. Chandler*, 88 Haw. 307, 319, 966 P.2d 619, 631 (Haw. 1998); *Puana v. Sunn*, 69 Haw. 187, 189, 737 P.2d 867, 870 (1987).
- d. The permit is invalid because it results from HCDA administrative rules, including without limitation, HAR Title 15, Chapters 217 and 218, & § 15-218-55, that contradict and/or conflict with the statute they purport to implement. *Foytik v. Chandler*, 88 Haw. 307, 319, 966 P.2d 619, 631 (Haw. 1998) (quoting *Hyatt Corp. v. Honolulu Liquor Comm'n*, 69 Haw. 238, 241, 738 P.2d 1205, 1206-07 (1987) (quoting *Agsalud v. Blalack*, 67 Haw. 588, 591, 699 P.2d 17, 19 (1985))).
  - e. The permit is invalid because it results from HCDA rules, including without limitation, HAR § 15-218-55, which improperly insulate HCDA's decision-making from judicial review.
  - f. The permit is invalid because the proposal does not meet the criteria of HAR § 15-218-55. By granting the permit HCDA acted *ultra vires*.
  - g. The permit was the product of a hearing process in which HCDA predetermined the permit would be granted, without proper public notice, participation and hearing in violation of the Hawai'i Open Meetings Law, Haw. Rev. Stat., Chapter 92.

The foregoing principles of law are beyond the scope of the HCDA's jurisdiction in any contested case. They are raised to document the bases for Petitioners' objections and to avoid any argument that they are waived by omission.

**SUMMARY:** It is Petitioners' opinion that the actions of HCDA in approving the Phase II permit were clearly erroneous, arbitrary and capricious, and characterized by both an abuse of discretion and a clearly unwarranted exercise of discretion. In issuing the permit, HCDA failed: (a) to fulfill its public trust obligations in considering the development proposal and permit request; (b) failed to comply with the objectives, policies, purpose and guidelines of its organic statute, Mauka Development Regulations and Plan and, without limitation, issued a permit after the time allowed by rule; (c) failed to submit or require a supplemental FEIS and/or FSEIS for the proposed development; (d) created a public nuisance by adding more than 1,700 vehicles to the area without any significant traffic management plan; (e) ignored





needed infrastructure improvements that are required by the City and County of Honolulu in order for the City and County to accept and maintain any such improvements; and (f) failed to preserve or otherwise avoid degradation of public, historical and environmental conditions at and adjacent to the site. Petitioners' specific points follow.

2. It is Petitioners' opinion that, without limitation, the permit violates the following principles:

- a. HAR §15-217-85(f): Multiple permit approvals. "When a proposed project requires more than one permit approval, the applicant shall apply for all such permit approvals concurrently."

Petitioners' Position: The regulation requires concurrent filing of all projects in a multi-project development. Notwithstanding HCDA's own rules, HCDA permitted the developer to file separate applications for building permits on Phases I and II eleven months apart. The 801 South Street project received sewer connection approvals for Phases I and II from the City and County of Honolulu on May 17, 2012. HCDA knew that two residential towers and two garages were planned for Phases I and II, collectively, but this fact was not disclosed until after Phase I was approved. HCDA thereby misled the public at the time Phase I was approved, by not disclosing the full scope of the project as a whole, which blunted public opposition by keeping the public uninformed. HCDA was required by its own regulations to review Phase I and II of this unified project concurrently. By issuing Development Permit Number KAK 13-057 HCDA denied Petitioners and the public an opportunity to effectively present their concerns to HCDA regarding Phases I and II of the project as a unified whole. As early as May 17, 2012, the City issued sewer connection approvals for Phases I and II of the project (confirmed by City and County). However, artificially breaking a single project into parts for piecemeal consideration seriously impacted "meaningful" community engagement required by HRS §206E-5.5. Doing so allowed HCDA to limit review by Petitioners and the community, as well as input received and considered by the HCDA. The Petitioners and public were unaware of the 801 South Street Phase II, at a time when HCDA clearly was aware it was planned for the project. Petitioners and the public were not fully and fairly informed of the magnitude and, specifically, Phase II of the project, until late August 2013, after Phase I had already been permitted.



- b. HAR §15-218-55(a)-(b) Workforce Housing: "New residential project(s) where at least seventy-five per cent of the residential units are set aside for purchase by families earning between one hundred to one hundred forty per cent of the AMI, which does not require financial assistance for construction from Federal, State, or County governmental bodies, and which meets the following unit size requirements shall qualify as a workforce housing project" and are exempt from the requirements of HAR §§ 15-218-35, 15-218-36, and 15-218-41.

Petitioners' Position: HAR § 15-218-55 exceeds HCDA's authority under HRS §§206E-4, -5.5, -7, -31, -31.5 & -33 and improperly insulates HCDA's decision-making from judicial review. The permit is invalid because the proposal does not meet the criteria of HAR § 15-218-55, and, therefore, even if the "workforce" exception is lawful, by granting the permit HCDA acted *ultra vires*, arbitrarily and contrary to the law and facts.

As described in submittals made to HCDA during its consideration of Phase II, and incorporated herein by reference,<sup>1</sup> 801 South Street Tower B is supposed to offer affordably priced units that comply with the Hawai'i workforce housing rules. To satisfy these rules, at least 75% of the residential units must be set aside for purchase by families earning between 100% to 140% of the Area Median Income (AMI). The developer requested exemption from HCDA rules and critical concessions from the HCDA because of the assertion that Tower B satisfies the workforce housing requirements. The proposed development does not and is based on unfounded assumptions, errors and omissions in their analysis, which concludes that 2 bedroom units costing as much as \$715,213 for a family of four satisfies the affordability requirements of HAR § 15-218-55.

If the permit request is evaluated in a manner that excludes the unfounded assumptions, errors and omissions in the applicant's analysis, it is apparent that the affordability requirements of HAR § 15-218-55 are not met.

Analyzed without the unfounded assumptions, errors and omissions, it is apparent that none of the 273 2-bedroom units in the proposed building are priced in accordance with HCDA's own workforce housing affordability and maximum size requirements. Also, none of the 45 3-bedroom units meet workforce housing maximum size requirements (as already acknowledged by

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<sup>1</sup> All prior submissions in opposition to Phase II of the 801 South Street permit application also are so incorporated.



the developer). A total of 318 units should therefore be disqualified from HCDA's analysis of whether the proposal meets the workforce housing requirements. Once these units are excluded, the HCDA must reject the proposed development for not meeting the letter and purpose of HAR §15-218-55. The current proposal for 801 South Street Tower B would provide hundreds of market priced units; it does not provide units that are claimed to provide workforce housing as defined by HAR §15-218-55.

- c. HAR § 15-217-55(l)(3) - View Preservation: "The tower floor plate shall not exceed a horizontal plan projection dimension of 150 feet on one direction and a maximum length of 210 feet between two farthest points of the tower floor plate. The plan projection dimension measured perpendicular to the horizontal projection may exceed 150 feet provided that the maximum dimension between two farthest points on the tower footprint do not exceed 210 feet in length." HRS §206E-33, governing developments in the Kaka'ako Community Development District, also includes the following requirements:

- (4) Major view planes, view corridors, and other environmental elements such as natural light and prevailing winds, shall be preserved through necessary regulation and design review.

HAR § 15-217-55(l)(4) - "A proposed tower shall be located a minimum of 300 feet from an existing tower, when any portion of the proposed tower falls within the existing tower's mauka-makai zone . . ."

Mauka Area Rules Figure BT.10.G incorporates the view preservation and building massing limits contained in HAR § 15-217-55(l).

- The "Midrise Elements" described in Section 5.2 of the Mauka Area Plan reiterate this intent, stating:

The intent is to encourage projects that maintain Mauka-Makai view planes and to provide additional development scale choices.

Range of Height: 100 feet - 250 feet.

Footprint: The setback along View Corridor streets is 50 feet from the build-to line. The setback along all other Streets is 20 from the build-to line.



Petitioners' Position: The garage has a floor plate of 118' x 211'. Therefore the distance between its two farthest points exceeds 210' - as described by the rule cited above. The garage structure has the same effect as if it were a tower; it will still obstruct view planes that were meant to be preserved under the Mauka Area Rules and as stated in the Mauka Area Plan. Additionally, occupants residing below the tenth floor will have a direct view of the parking structure and not much else.

The purpose and intent for view preservation will be violated by allowing a 107 foot 10 story garage structure within Tower A's 300 foot Mauka-Makai zone. The garage tower's massing is a physical presence that creates a visual wall when combined with its proximity to Tower A and as such interferes with preserving the view planes, which is stipulated in the Mauka Area Plan at page 28:

*"The Mauka Area Plan proposes to preserve the views and visual assets and integrate new development into the existing urban skylines in a consistent and harmonious way to enhance the community."*

- d. HAR § 15-217-2(c), Historic Preservation: "The rules are adopted to protect and promote the public health, safety and general welfare of the community and to protect and preserve places and areas of historical cultural, architectural, or environmental importance and significance, as set forth in the mauka area plan and chapter 206E, HRS."

HAR § 15-217-2(c)(3)(H) - "That the preservation and renewal of historic buildings be facilitated to affirm the continuity and evolution of society."

HRS §6E-2 defines an historic property as "any building, structure, object, district, area or site, including heiau and underwater site, which is over fifty years old." As State Historic Preservation Officer William Aila, Jr., noted in his October 9, 2013, letter to HCDA, the implementing regulations of HAR § 13-284 set forth an historic preservation review process which consists of specific steps. Mr. Aila's letter further explained those steps and their impact in the instant case:

(1) Identification and Inventory: The former Honolulu Advertiser building has been assessed by Mason Architects (June 2005). A list of character defining features which still existed at the time of the report is provided. An additional list of missing elements that could be restored or recreated is also included. Finally, non-contributing features that might





be altered or removed are also listed. In addition, potential exists for archaeological historic properties to be located within the project area, in the area of Tower 2, and **SHPD would like an archaeological inventory survey completed for the parcel.**

(2) Evaluation and Significance: Based on the above referenced report the Honolulu Advertiser Building has been determined to be eligible for the National Register under Criterion A. for its association with the Honolulu Advertiser, Hawaii's first English language non-governmental newspaper. It is also eligible under Criterion B for its association with Lorrin Thurston, who was instrumental in the overthrow of the Hawaiian Kingdom and the subsequent American rule over Hawaii, and finally, and not least, it is eligible under Criterion C, for its distinctive Beaux Arts style and because it represents the "work of a master": the Honolulu architecture firm of Emory and Webb. **Significance evaluations for potential archaeological historic properties will be completed as part of the archaeological inventory survey process.**

(3) Effect determination: HCDA has not provided, nor has SHPD been formally asked for an effect determination. However, **there seems to be agreement that the project will have an adverse effect on the Advertiser building.** An effect determination has not yet been made regarding archaeological historic properties.

(4) Mitigation commitments-these remain to be negotiated. We note that you propose to retain the "Office Building," which we agree is a good idea. However, so far, the plans submitted do not provide any detail on what retaining the "Office Building" means in terms of any proposed demolition to accommodate the proposed garage, or any rehabilitation or maintenance of the Advertiser building. **Agreement on these mitigation commitments is required before the project can proceed.**

(5) Detailed mitigation plans--these are developed after mitigation commitments are agreed to.

(6) Verification of the detailed mitigation plans. Not complete.

We note on page 2 of your letter that you request "that HCDA approve the plan for the News Building described in the Permit Application and coordinate with SHPD to confirm that although the Project will have an effect, the mitigation provided in this letter and the Permit Application



is adequate and nothing further is required by SHPD." As stated above, **additional information is required by SHPD regarding details of the proposed mitigation. HCDA needs to take SHPD's comments and request for information into account before it can approve the Project.**

We further note that on the last page of your letter, you state that you have had a meeting with Ms. Westfall, of SHPD, and Ms. Faulkner, of the Historic Hawaii Foundation, and as such, "Downtown Capital has consulted with SHPD on the Project." As outlined above, while you may have met on this project, **you have not met the requirements of HAR 13-284 for historic preservation review of your project.** While the process does not require a meeting, it is usually helpful for project proponents to discuss their project with SHPD at each step of the process.

Petitioners' Position. The development proposes to demolish a significant portion of what remains of the *Advertiser* Building, which has been deemed eligible for both the State and National Historic Registers. Furthermore, the imposition of a 10-story parking garage abutting the building degrades a beautiful example of the Beaux Arts Revival architectural style. The Historic Hawai'i Foundation opposes the proposed development. Most importantly, HCDA has not addressed the concerns raised by the SHPD and as stated in Mr. Aila's letter. Therefore, the permit was improperly issued because the historic preservation statute, regulations and purposes have not been fulfilled.

- e. HAR § 15-217-2(c)(1)(A) Pedestrian Orientation - Purpose: "For the community: That neighborhoods and transit-oriented development is compact, pedestrian-oriented and mixed use;"

HAR § 15-217-8 - Definition of terms: "'Smart growth' means an urban planning theory that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use, including complete streets, and mixed-use development with a range of housing choices."

Petitioners' Position: The development is not pedestrian-oriented and creates pedestrian-hostile environments. Furthermore, the development packet does not seem to address the requirement of pedestrian zone treatment along Kapiolani Boulevard, as defined in the Mauka Area Rules (Fig. PZ-2) and Mauka Area Plan, Section 7.3.5 (p.40). With the addition of 788 parking stalls



approved in Phase II, the project will include a total of more than 1,700 vehicles added to the area when Phase I and Phase II are considered in total. Furthermore, only one sub-standard means of ingress and egress is being provided to divert these vehicles from or onto Kawaiahao Street and Kapiolani Boulevard.

- f. HAR § 15-217-2(c)(1)(E) Range of Housing: "For the community: That within neighborhoods, a range of housing types and price levels be provided to accommodate diverse ages and incomes;"

HAR § 15-217-8 - Definition of terms: "'Smart growth' means an urban planning theory that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use, including complete streets, and mixed-use development with a range of housing choices."

Petitioners' Position: Only one range of housing type is being proposed for both Phase I and Phase II of 801 South Street - Workforce Housing. Although there is a recognized need for this housing type, it should also be noted that the block bounded by Kapiolani Boulevard, Curtis Street, Kawaiahao Street and South Street will contain all of the same type of housing.

- g. HAR § 15-217-53(a) & -63 - Building Form/Height of Parking Structure: "Facades shall be built parallel to a build to line with a minimum frontage occupancy as per Figure 1.3 - C (building placements and encroachments)..."

- Figure 1.3 C: 75% minimum frontage occupancy at build to line for Kapiolani neighborhood zone.
- HAR § 15-217-54(f) - "All new principal buildings shall be designed with a street front element conforming to Figure 1.3 D...."
- Figure 1.3 D: Building Form: In the Kapiolani Neighborhood Zone requires street front element height of 30' - 65'.

HAR § 15-217-63 - Commercial, clinics, administrative and all other uses: 1 per 450 square feet of floor area.

Petitioners' Position: The Mauka Area Plan and Rules call for 75% frontage occupancy as a means of engaging the pedestrian with street front buildings, as opposed to isolating the pedestrian before reaching the primary entrance of



any building. The parking tower is one example of how the proposed development of Tower B does not engage pedestrians.

Under the Mauka Area rules, new buildings are required to have a 30' - 65' height limit to engage pedestrians. The garage structure has a street front element of 107' on South Street and Tower B presents a street front element of 410' on Kapiolani Boulevard. Thus, neither building complies with HCDA rules regarding street front elements. This requirement is necessary in order to provide a relatable, human-scaled environment at the street front.

On page 3 of the 801 South Street Conformance Matrix to Mauka Area Plan and Rules, the developer notes that the project conforms to the rules and states that "100% of tower will be flush with South Street facade" and "On Kapiolani Blvd., the street front would be podium, in lieu of podium the tower is consistent with and establishes street front elements." Petitioners dispute this statement, as, in Petitioners' opinion, the tower is not flush with the South Street facade as it is setback from South Street by approximately 220 feet.

The garage structure also is not flush with the South Street facade since it is set back from South Street by 58 feet, as required by the Mauka Area Rules (HAR § 15-217-55(l)(5)).

The tower frontage along Kapiolani Boulevard is not consistent with the street front elements required by the rules as it is 400 feet tall, considerably higher than the permitted 30 to 65 feet.

Petitioners believe the developer miscalculated the number of total stalls required - only 591 are required under current HCDA rules. There is an excess of 197 stalls in the current garage. Furthermore, Petitioners believe the Tower A development provides 280 extra stalls which could be used either for the commercial space or for the developer's anticipated demand for extra parking stalls by two-car residents.

h. HAR § 15-217-53, -54 & -55 - Frontage Types/Pedestrian Environment: HAR § 15-217-53(b) - "Wherever a build to line is equal to or greater than fifteen feet, a terrace front frontage type...shall be used."

- HAR § 15-217-54(f) - "All new principal buildings shall be designed with a street front element conforming to Figure 1.3 - D...."





- Figure 1.3 - D - Kapiolani Neighborhood Zone Building Form: Maximum Height - 400', Street Front Element Height - 30' - 65', Maximum Density (FAR) - 3.5
- HAR § 15-217-55(e)(3) - "Fences, walls, and hedges: Fences shall be constructed out of ornamental iron, steel, wood pickets and/or a synthetic wood product..."
- Figure 1.3-C - 75% minimum frontage occupancy at build-to line for Kapiolani neighborhood zone
- Figure BT-10, C.3 - "For above-ground garages, parking shall be concealed from view at street frontages through a liner of habitable space on at least three sides of the building; service streets and alleys excluded. Where exposed to the street, above-ground garages shall be screened from view at the street frontage by landscaping, green screens or cladding; service streets and alleys excluded."
- Figure FT.8, B.4 - Terrace Front, Frontage Elements: "Fences or walls defining and/or retaining the terrace shall not exceed three feet in height from the adjacent sidewalk."

Petitioners' Position: The build-to line along South Street is fifteen feet, which requires a terrace front type frontage. The developer has instead planned to provide a vehicular drop-off area on the South Street frontage. HCDA requested this be modified to a "pedestrian plaza" but did not explain what this was--it is not a defined term in HAR § 15-217-8--or describe how it would be determined that the requested modification had been met by the developer. On both South Street and Kapiolani Boulevard, Tower B and its corresponding garage structure do not provide street front elements within the required height range of 30 to 65 feet. This requirement is necessary in order to provide a relatable, human-scaled environment at the street front. By ignoring this requirement, the development is not consistent with the Mauka Area Rules and creates a less pedestrian-friendly environment, which does not comply with the Mauka Area Plan, including, the following:

- Mauka Area Plan 5.0 - Urban Design: "While not every street needs to have wide sidewalks designed to attract large numbers of pedestrians, all should provide safe, pleasant, human-scaled walking conditions...;"
- and, "Appropriate design of the pedestrian realm includes not just the sidewalks and crosswalks, but also the design of buildings along the



street. Low-rise building elements are sited next to the sidewalk to enclose the street space, with pedestrian entries, windows and other opening at grade level...”

- Figure BT.10, C.3: Although the parking structure will be screened with a facade of aluminum louvers, the structure is not concealed by habitable space on any side, except for the side facing the alley. Habitable spaces surrounding a parking structure can add human-scaled elements and “soften” the visual impact of a parking structure - particularly one of the size proposed by the developer. By choosing not to provide a liner of habitable spaces, the developer is creating a hard, massive visual element that lacks any human-scaled elements. The visual impact of the garage can be illustrated by the facade of the storage facility on the Ewa side of South Street. There is no shade from the elements and no pedestrian facilities.

By neglecting to provide pedestrian elements, the developer is not complying with the improvement to the pedestrian realm as envisioned in the Mauka Area Plan at 40:

- “Improving the pedestrian realm entails the following elements:
- Developing a fine-grained network of walkable (Pedestrian Tolerant or Supportive) streets and pathways.
- Buffering pedestrians from traffic by placing a furnishing area next to the curb and by providing on-street parking.
- Creating consistent street walls of low-rise building elements to frame the public street space at a human scale and to provide visual interest.”

The developer requested a modification for the fence height requirement from 3 feet to 6 feet in order to provide privacy to ground floor occupants. HCDA denied this one request for modification.

- i. HAR § 15-217-58(d)(7): Driveway Rules: Requires that “[f]or large lots<sup>2</sup> that abut other parcels not subject to a permit application, an alley of at least twenty-six feet in width must be provided at the edge of the lot that is adjacent to the other parcels to ensure access by vehicles and access to light and air of the

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<sup>2</sup> The total square footage for the project (Phases I & II) exceeds 140,000 square feet and, therefore, should meet the requirements of the Large Lots as defined in HAR §15-217-58(b).



other parcels. An alternative proposal may be considered as long as it meets the intent of providing light, room, and air to neighboring parcels."

Mauka Area Rules provide:

- Fig. 1.3 - up to 15' front build to line in Kapiolani neighborhood zone.
- Fig. NZ-2: 5' - 10' build to line required along Kapiolani Blvd.
- Fig. PZ.2 - Pedestrian Zone Treatment, Kapiolani Zone

Petitioners' Position: The alley provided to provide ingress and egress for the more than 1,700 total vehicles is less than twenty-six feet wide and does not provide equivalent "light, room, and air to neighboring parcels." The permit application proposed to increase setback along Kapiolani Blvd. to 22 feet to "enhance the pedestrian experience and provide more visibility by pedestrians of the vehicle entrance along Kapiolani Boulevard." The development packet did not identify any pedestrian elements or fixtures intended specifically to comply with the required Pedestrian Zone Treatment along Kapiolani Boulevard.

- j. HAR § 15-217-59(c)(1) to (7): Building Green Standards: Provides for "standards intended to result in a responsible development pattern that conserves natural resources and provides a healthy environment for inhabitants of the mauka area."

Petitioners' Position: The permit included a request for exemption from the Leadership in Energy and Environmental Design (LEED) Green Building Rating Systems. LEED is a third-party certification program and the nationally accepted benchmark for the design, construction and operation of high performance green buildings. The intent of the rule dovetails with the state's "Clean Energy Initiative," with the stated goal of relieving dependence on foreign oil. By foregoing this requirement, the project is contrary to Hawaii's stated goal of energy independence.

- k. HAR § 15-217-63(c)(3): Parking Access/Kapiolani Driveway: Requires that "Curb cuts shall be setback a minimum of twenty-two feet from adjacent properties. Lots with less than 100 linear feet of frontage are exempt from this provision."

Petitioners' Position: The modification granted by HCDA permits the developer to place the curb cut to the alley six feet and three inches away from the adjacent property. This presents an imminent pedestrian hazard. The property



abutting the development site is occupied by the pre-owned Lexus dealership. The building for the dealership abuts the existing sidewalk, creating a “blind” corner for a vehicular access lane (or alley) only six feet away. Kaka’ako residents have noted that even at the existing driveway to the *Advertiser* parking lot, there have been dangerous pedestrian-vehicle encounters because of obstructed views. The developer’s plan to add more than 1,700 vehicles access through the sub-standard alley substantially increases this hazard. The development again runs counter to the Mauka Area Plan, 5.0 Urban Design.

- L. HAR § 15-217-56(d): Recreational and Open Spaces: Requires “Residential projects requiring a development permit shall provide 55 square feet of recreation space per dwelling unit. The required on-site recreation space, if provided outdoors, may be used to satisfy the open space requirements.”

Mauka Area Plan Fig. BT-10.D.1- "At least 15% of the lot area shall be provided as open space and shall be open to the sky."

Mauka Area Plan Fig. BT-10, D.3 - “Open space shall have a minimum dimension of 40 feet on any one side.” See, Figure 1.11 - Civic Space. Open space may be and is apparently counted as "recreational space" for purposes of the permit. Therefore, the dimensional requirements apply.

- Mauka Area Plan, 6.1.2: "The amount of land committed to public park space falls far short of the City and County of Honolulu’s Park Planning Standards...60 acres of park space.... It is unrealistic to expect that such a large amount of land can be acquired for public parks in a built-up urban area like Kakaako....Therefore, a combination of strategies is needed to meet the demand for parks and outdoor recreation...."
- and Mauka Area Plan 6.2.4: “Due to Kakaako’s limited public park space is limited (sic), new housing development should incorporate recreational facilities for the use of residents. Developer should provide on-site recreational facilities for project residents.”

Petitioners’ Position: The proposed 410 units require 22,550 square feet of recreation space. The Mauka Area Plan recognized the lack of available land for public parks and open spaces in the Kaka’ako district, and it emphasized that private development must provide residents with sufficient space for recreational activities. The project does not fulfill this purpose or the express recreational space set-aside criteria.

The developer proposed to provide recreational space in the following manner:





- Meeting Room 1: 2,058 square feet
- Meeting Room 2: 4,473 square feet
- Open space = 16,603 square feet

It appears that "Meeting Room 1" is actually the ground floor elevator lobby for Tower B through which ground floor and other occupants must access their units. This is not a meeting room and does not meet the definition of "recreational space" contained in HAR § 15-217-8, "an outdoors or indoors open space within a development that can be located at any level and is available for recreational use." Thus, recreational space would not include an elevator lobby. Similarly, the narrow strips abutting the Diamond Head side of the alley are being counted as "recreational space" when it is apparent that no recreation could occur there, especially given the more than 1,700 vehicles using that alley for ingress and egress.

The open space provided, as shown on Sheets 1A and B of the plans, is divided up into small strips that range in width from about six to twenty feet; the forty foot dimensional requirement is met on one dimension of any strip - no strip meets the forty foot minimum in both dimensions. As noted, most of these open areas are situated adjacent to vehicular lanes or driveways. It would be unsafe to hold any kind of recreational activity in these areas, particularly for children, the elderly or disabled.

The only actual recreational area that Tower B provides is Meeting Room 2. The 4,473 square foot room falls short of the 22,250 square feet mandated for recreation.

The open space shown on Sheets 1A and B of the developer's submitted plans also do not appear to correspond with any of the typologies exemplified in Mauka Area Plan Figure 1.11.

- m. HAR § 15-217-2(c)(3)-General Public Welfare: "For the block and the building: (A) That buildings and landscaping contribute to the physical definition of thoroughfares as civic places; (B) That development adequately accommodates automobiles while respecting the pedestrian and the spatial form of public areas; (C) That the design of streets and buildings reinforce safe environments; but not at the expense of accessibility;"



HAR § 15-217-4 - Minimum Requirements: “The provisions of the rules are minimum requirements for the protection and promotion of public health, safety, and welfare.”

Petitioners' Position: The Mauka Area Rules are meant to provide the minimum requirements for health, safety and welfare. Modifications that permit development at standards less than specified by the rules are unlawful and would result in detriment to public health and safety *per se*.

- n. HAR §15-217-58 Large Lots: Requires that “[e]ach building within a large lot project shall comply with the applicable requirements in the development standards by zone and all other relevant standards in the rules.” Large Lots rules also require: (1) dividing the large lot into pedestrian-oriented blocks; and (2) mid-block pedestrian passageways and courtyards at least every 300 feet.

Petitioners' Position: None of these features are included in the development plans for Phase I & II. The total square footage of the parcels for Phase I & II exceed 140,000 square feet, therefore the requirements of Large Lot developments should apply to the development.

The combination of Phase I and II essentially walls off the neighboring capitol district. The buildings include massing and articulation that do not reflect a human scale; rather they impose large, monolithic, and repetitive building fabric.

- o. HAR § 15-217-80(d): Consistency with Rules/Plan: - “Approval of an improvement or development permit shall require all the following findings of fact:”
- (1) Mauka Area Plan consistency. That the proposal complies with and advances the goals, policies and objectives of the Mauka Area Plan;
  - (2) Mauka Area Rules consistency. That the proposal will protect, preserve, or enhance desirable neighborhood characteristics through compliance with the standards and guidelines of the Mauka Area Rules; and
  - (3) Compatibility. That the proposal will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use.”



Petitioners' Position: Because of the lack of adherence to the Mauka Area Rules and Plan, and the impacts of these deviations, Petitioners believe the development permit does not satisfy any of the above listed requirements:

- It does not comply with nor advance the goals, policies and objectives of the Mauka Area Rules as shown in the discussions above.
  - It does not comply with nor advance the goals, policies and objectives of the Mauka Area Plan as shown in the discussions above.
  - The development plan, as proposed, does not create a pedestrian-friendly neighborhood and actually intends to create a pedestrian hazard on Kapiolani Boulevard and therefore does not protect, preserve or enhance the neighborhood characteristics as set forth in the Mauka Area Rules. Although the packet specifically describes six modifications, in reality numerous additional Mauka Area Rules would require modification in order to support this development.
  - As proposed, the design of Tower B and its parking garage seem to provide a substantial adverse effect on neighboring properties and residents and will isolate Kaka'ako visually and physically from the Honolulu Civic Center.
- p. The Mauka Area Plan FEIS and FSEIS are outdated and do not properly contemplate the impact of the proposed project.

Petitioners' Position: Before the Phase II begins, the existing FEIS and FSEIS must be updated and amended to reflect changes in circumstances since their adoption. *Unite Here! Local 5 v. City & County of Honolulu*, 123 Haw. 150, 231 P.3d 423 (Haw. 2010); and/or acted in excess of its statutory authority.

### **RELIEF REQUESTED**

Petitioners respectfully request that:

1. The HCDA rescind approval of the Development Permit for Phase II of the Downtown Capital LLC 801 South Street Project Planned Development Permit Number KAK 13-057.
2. HCDA conduct and complete another supplement Environmental Impact Statement that addresses, evaluates and mitigates all the changes that have been granted to ensure there is adequate sewer, public parks, public schools, health care facilities and road infrastructure.

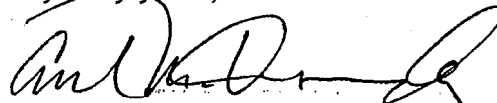


3. Reevaluate any reapplication for a Permit for Phase II of the Downtown Capital LLC 801 South Street Project Planned Development according to the principles and concerns expressed in this Petition.

4. Either: (1) Grant the request for a public contested case hearing pursuant to HAR § 15-219-46 for a determination of the issues that can properly be determined by the HCDA; or (2) deny the request for contested case hearing pursuant to HAR § 15-219-46; and, (3) regardless of whether granting or denying the request, state, with particularity, whether HCDA asserts that any of the issues raised herein are not ripe for adjudication under standards established in *Office of Hawaiian Affairs v. Hous. and Cmty. Dev. Corp. of Hawai'i*, 121 Hawai'i 324, 336, 219 P.3d 1111, 1123 (2009); *Pele Defense Fund v. Puna Geothermal Venture*, 8 Haw. App. 203, 204, 797 P.2d 69, 71-72 (1990); *Leone v. County of Maui*, 128 Hawai'i 183, 284 P.3d 956 (2012).

Petitioners request the HCDA schedule this matter for a contested case hearing as soon as practicable.

Very truly yours,



Carl M. Varady  
Attorney for Petitioners

c: William Aila, Jr., State Historic Preservation Officer  
Hon. Carol Fukunaga  
George I. Atta, FAICP, LEED AP, CEI, Director, Planning and Permitting  
Michael D. Formby, Director, Transportation Services





**EXHIBIT 1: Royal Capitol Plaza AOA – Petition**

Statute/Rule/Regulation	Page No.
<b>HAWAII ADMINISTRATIVE RULES</b>	
HAR § 13-284	9, 10
HAR Title 15, Chapter 217	2, 4
HAR § 15-217-2	2
HAR § 15-217-2(c)	9
HAR § 15-217-2(c)(1)(A)	11
HAR § 15-217-2(c)(1)(E)	11
HAR § 15-217-2(c)(3)	18
HAR § 15-217-2(c)(3)(H)	9
HAR § 15-217-4	2, 18
HAR § 15-217-5	2
HAR § 15-217-6	2
HAR § 15-217-8	2, 11, 14, 17
HAR § 15-217-21	2
HAR § 15-217-22	2
HAR § 15-217-24	2
HAR § 15-217-25	2
HAR § 15-217-26	2
HAR § 15-217-27	2
HAR § 15-217-39	2
§HAR § 15-217-53	2, 13
HAR § 15-217-53(a)	12
HAR § 15-217-53(b)	13
HAR § 15-217-54	2, 13
HAR § 15-217-54(f)	12, 13
HAR § 15-217-55	2, 13
HAR § 15-217-55(e)(3)	13
HAR § 15-217-55(l)	8
HAR § 15-217-55(l)(3)	7
HAR § 15-217-55(l)(4)	8
HAR § 15-217-55(l)(5)	12
HAR § 15-217-56	2
HAR § 15-217-56(d)	16
HAR § 15-217-57	2
HAR § 15-217-58	2, 18
HAR § 15-217-58(d)(7)	15
HAR § 15-217-59	2
HAR § 15-217-59(c)(1) to (7)	15
HAR § 15-217-62	2
HAR § 15-217-63	2, 12
HAR § 15-217-63(c)(3)	16
HAR § 15-217-80(d)	18
HAR § 15-217-85(f)	6



HAR § 15-217-90	2
HAR Title 15, Chapter 218	2, 4
HAR § 15-218-35	6
HAR § 15-218-36	6
HAR § 15-218-41	6
HAR § 15-218-55	2, 4, 5, 6, 7
HAR Title 15, Chapter 219	4
HAR § 15-219-46	3, 20
<b>HAWAII CONSTITUTION</b>	
Haw. Const., Article I, Section 5	1
Haw. Const., Article III, Section 1	2, 4
Haw. Const. Article IX, Section 6	2, 4
Haw. Const. Article IX, Section 8	2, 4
Haw. Const. Article XI, Section 9	2, 4
<b>HAWAII REVISED STATUTES</b>	
HRS § 6E-2	9
Haw. Rev. Stat., Chapter 92	3, 5
HRS chapter 206E	9
HRS § 206E-4	2, 6
HRS § 206E-5.5	2, 4, 6
HRS § 206E-5.6	2, 4
HRS § 206E-7	2, 6
HRS § 206E-31	2, 6
HRS § 206E-31.5	2, 6
HRS § 206E-33	2, 4, 6, 8



NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

October 9, 2013

Ryan Harada  
Downtown Capital LLC  
215 N. King Street, Ste 1000  
Honolulu, HI 96817

Log No. 2013.5697  
Doc No. 1310PA01

Dear Mr. Harada:

RE: 801 South Street, Building B project and the former Honolulu Advertiser Building (News Building)  
Honolulu, Kona Moku, Island of O'ahu  
TMK: (1) 2-1-047:004 (por)

We are in receipt of your September 19, 2013 letter to Mr. Anthony Ching, the Executive Director of the Hawaii Community Development Authority (HCDA). Thank you for copying the letter to us. We wanted to take the opportunity to clarify some items of your letter.

You state that applicable federal and Hawaii laws allow for the demolition of the entire News Building. While this is true, the intent of 6E also states:

The legislature declares that the historic and cultural heritage of the State is among its important assets and that the rapid social and economic developments of contemporary society threaten to destroy the remaining vestiges of this heritage.

While SHPD understands your intent to create workforce housing, and acknowledges the importance of workforce housing in our state, we do not believe that our choices should be either workforce housing or historic preservation. With proper planning, the people of our state, no matter their income, should be able to afford and benefit from both, as the legislature intended.

It is for this purpose that HRS 6-E and its associated Administrative Rules were created. HRS §6E-42 requires that SHPD be allowed to comment on any project affecting a historic property. HRS §6E-2 defines a historic property as "any building, structure, object, district, area or site, including heiau and underwater site, which is over fifty years old." SHPD's comments, as defined in HAR 13-284 are in the form of a historic preservation review process which consists of the following steps:



## 1. Identification and Inventory

The former Honolulu Advertiser building has been assessed by Mason Architects (June 2005). A list of character defining features which still existed at the time of the report is provided. An additional list of missing elements that could be restored or recreated is also included. Finally, non-contributing features that might be altered or removed are also listed.

In addition, potential exists for archaeological historic properties to be located within the project area, in the area of Tower 2, and SHPD would like an archaeological inventory survey completed for the parcel.

## 2. Evaluation and Significance

Based on the above referenced report the Honolulu Advertiser Building has been determined to be eligible for the National Register under Criterion A, for its association with the Honolulu Advertiser, Hawaii's first English language non-governmental newspaper. It is also eligible under Criterion B for its association with Lorrin Thurston, who was instrumental in the overthrow of the Hawaiian Kingdom and the subsequent American rule over Hawaii, and finally, and not least, it is eligible under Criterion C, for its distinctive Beaux Arts style and because it represents the "work of a master": the Honolulu architecture firm of Emory and Webb.

Significance evaluations for potential archaeological historic properties will be completed as part of the archaeological inventory survey process.

## 3. Effect determination

HCDA has not provided, nor has SHPD been formally asked for an effect determination. However, there seems to be agreement that the project will have an adverse effect on the Advertiser building. An effect determination has not yet been made regarding archaeological historic properties.

## 4. Mitigation commitments –these remain to be negotiated.

We note that you propose to retain the "Office Building," which we agree is a good idea. However, so far, the plans submitted do not provide any detail on what retaining the "Office Building" means in terms of any proposed demolition to accommodate the proposed garage, or any rehabilitation or maintenance of the Advertiser building. Agreement on these mitigation commitments is required before the project can proceed.

## 5. Detailed mitigation plans—these are developed after mitigation commitments are agreed to.

## 6. Verification of the detailed mitigation plans. Not complete.

We note on page 2 of your letter that you request "that HCDA approve the plan for the News Building described in the Permit Application and coordinate with SHPD to confirm that although the Project will have an effect, the mitigation provided in this letter and the Permit Application is adequate and nothing further is required by SHPD. As stated  
Exh. 1.25 to Testimony of Carl M. Varady





above, additional information is required by SHPD regarding details of the proposed mitigation. HCDA needs to take SHPDs comments and request for information into account before it can approve the Project.

We further note that on the last page of your letter, you state that you have had a meeting with Ms. Westfall, of SHPD, and Ms. Faulkner, of the Historic Hawaii Foundation, and as such, "Downtown Capital has consulted with SHPD on the Project." As outlined above, while you may have met on this project, you have not met the requirements of HAR 13-284 for historic preservation review of your project. While the process does not require a meeting, it is usually helpful for project proponents to discuss their project with SHPD at each step of the process.

We look forward to working with you to complete the historic preservation review and ensuring that Hawaii retains its important historic and cultural heritage.

Sincerely,



William Aila, Jr  
State Historic Preservation Officer

cc: Anthony Ching, Executive Director, HCDA  
Nicki Thompson, Acting Administrator, SHPD  
Angie Westfall, SHPD  
Susan Lebo, SHPD

