

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 28, 2014 4:01 PM
To: waltestimony
Cc: lynnehi@aol.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 1/28/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments: Now we're talking. This bill would put common sense into the development of kakaako, perhaps going back to sensible guidelines from years ago. There is major concern with current infrastructure. Oft times the area smells like a cesspool. The City is unable to find out what the problem is, but refuses to admit that the sewage system is to blame. Nothing like eating in a restaurant and smelling raw sewage, or smelling it in your condo. It provides for much needed space between buildings, as we have in other areas of the island. It provides for a sensible height limit, one that matches that of the city, instead of trying to outdo other projects. Remember, most of Kaka'ako is in the tsunami inundation zone. Remember superstorm Sandy in 2012 on the east coast, remember the stories of the elderly and infirm trapped in their high rises, with no electricity, heat, water, and other necessities. This is important. We don't want stories like that emanating from Honolulu when there is a storm, earthquake, or major power outage. Please pass this bill and return commonsense development to the area. lynne matusow 60 n. beretania, #1804 honolulu, hi 96817 531-4260

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 29, 2014 8:15 AM
To: waltestimony
Cc: connie.smyth54@gmail.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 1/29/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
connie smyth	Individual	Support	No

Comments: I want to testify today because I am very concerned about what Kakaako is going to look like over the next 30 years. I believe the height limits, distances between buildings, mauka to makai orientation, and limited floor area ratios proposed in HB1867 will guarantee that Kakaako will not look like Hong Kong. I think that overbuilding will lead to overcrowding and related health and safety problems. I don't believe that HCDA should have the authority to waive its own rules when it comes to how a building looks. Rules are rules and everyone has to follow the same rules. I urge you to pass HB1867 to protect Kakaako. Thank you for your time and attention.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 30, 2014 8:48 AM
To: waltestimony
Cc: georgeandmary@mac.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 1/30/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
George Outlaw	Individual	Support	No

Comments: HCDA is a rigged, politically appointed, Kangaroo Court. Eliminate it!

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

House Bill 1867 Relating to the Hawaii Community Development Authority

My name is Paula B Tadaki and I am a resident of Kaka'ako. Thank you for the opportunity to testify on House Bill 1867. I **SUPPORT** HB 1867.

I want to testify in favor of this Bill because I am very concerned about what Kaka'ako is going to look like over the next 20 years. I believe the height limits, distances between buildings, mauka to makai orientation, and limited floor area ratios proposed in HB1867 will guarantee that Kaka'ako will not look like Hong Kong.

I think that overbuilding will lead to overcrowding and related health and safety problems. I don't believe that HCDA should have the authority to waive its own rules when it comes to how a building looks. Rules are rules and everyone has to follow the same rules.

I urge you to pass HB 1867 to protect Kaka'ako.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 02, 2014 7:58 PM
To: waltestimony
Cc: rontthi@gmail.com
Subject: *Submitted testimony for HB1867 on Feb 8, 2014 08:30AM*

HB1867

Submitted on: 2/2/2014

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

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 03, 2014 12:04 PM
To: waltestimony
Cc: rkorph@gmail.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 2/3/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Okamura	Individual	Support	Yes

Comments: When an agency ignores their own rules or makes modifications that disregards their rules or makes rules to allow modifications to disregard their rules, it is time to legislate the standards. The over-use of discretion must be reigned in to hold them accountable.

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 03, 2014 2:49 PM
To: waltestimony
Cc: grant5301@gmail.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 2/3/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
G	Individual	Comments Only	No

Comments: I am in support of this bill.

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From: Shannon Clancey <fanceyclancey@icloud.com>
Sent: Tuesday, February 04, 2014 8:50 AM
To: waltestimony
Subject: In Support of HB 1860, HB 1861, HB 1866, HB 1867

Dont build on Kakaako! ocean front is made for the community to enjoy, NOT THE WEALTHY FEW WHO DONT EVEN LIVE IN hawaii! Include: House Committee on Water & Land February 8, 2014 @ 8:30 am Room 325 Your comments and your name

Sent from my iPhone

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 9:49 AM
To: waltestimony
Cc: williamlee244@gmail.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 2/4/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
William Lee	Individual	Support	No

Comments: HCDA's disregard or dismissal of established mauka area rules and the approval of modifications that are contrary to the muaka area plan and rules should be stopped. Statutes should be enacted to limit HCDA's discretionary ability.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 12:30 PM
To: waltestimony
Cc: ismyth@hawaiiintel.net
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 2/4/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
isaac smyth	Individual	Support	No

Comments: HB 1867: I support HB 1867 because: *Any redevelopment of Kakaako should preserve vistas of its natural beauty for the public's enjoyment. * I strongly agree with a minimum allowable horizontal separation of 300 feet between buildings that are 100 feet or higher in height. * A building height limit of 400 feet is good. (Adding a density limit of 1.5 FAR would be even better) *All buildings should be oriented on a mauka-makai axis *HCDA should be prohibited from granting any exception to rules regarding maximum floor area ratio

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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 1867: 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 1867**. I strongly support HB 1867 and I support all the House Bills, 1860 to 1867, being heard today.

I am very concerned about what Kaka'ako will look like in the future. I believe the height limits, distance between buildings Mauka to Makai orientation and limited floor area ratio proposed in HB 1867 will guarantee that Kaka'ako will not look like Hong Kong.

In 1987, I purchased a condominium unit on the 11th floor in the Royal Capitol Plaza under the conditions of the original Kaka'ako Redevelopment Plan that any new development on the Advertiser Building site would not exceed the twelve story limit and that the structure must be staggered. I believe Imperial Plaza condominium was built also under the original Kaka'ako Redevelopment Plan around 1988. I do not understand what happened to the original plans.

I urge you to pass HB 1867 to protect Kaka'ako. Thank you for your time and attention to present my testimony.

lowen2-Lanaly

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

Submitted By	Organization	Testifier Position	Present at Hearing
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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Testimony of
Michael Korman
Before the
House Committee on Water & Land
House Bill 1861
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 1861 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 in terms of how high the buildings will be, how close together, and how large they will be relative to their foot print on the ground.

Although I am in favor of community redevelopment as an economically and socially viable course of action, the HCDA's current operating system does not effectively take into consideration the health and quality of life of the existing Kaka'ako neighbors. HCDA should be more responsive to community concerns. Furthermore, HCDA needs more oversight by legislators. It should not be allowed to change building rules without legislative authorization.

HCDA has created, modified and even failed to follow their own rules because there is no oversight over their actions. HB 1860 requires HCDA to adopt and amend the plan only when authorized by the legislature. I suggest the clearer language of HB 1860 on requiring HCDA to submit any amendments and justification to the legislature and only upon 2/3 vote on a concurrent resolution can the plan or rules be adopted.

Currently planned housing projects will negatively influence the quality of the air, the open space, and the quiet atmosphere that led current residents to select this neighborhood as home. Kaka'ako citizens feel helpless with personal wellbeing and quality of life in jeopardy. If a person is adversely affected by HCDA's decisions, there should be a fair and clear administrative procedure to contest the decision.

Without thoughtfully-implemented plans, HCDA will foster overbuilding, which will lead to overcrowding and related health and safety problems. Today, HCDA's organizational practices favor the real estate developers who plan to come into our neighborhoods, create huge closely-spaced buildings, and then disappear with their giant profits and without any harmful ramifications.

Developers of Kaka'ako condos should be required to perform impact studies (just like elsewhere on Oahu) to evaluate sewers, roads, utilities including water and electricity, schools, parks, and other infrastructure requirements needed for the additional number of residents. Access to emergency services should be evaluated as well. If any infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (just like elsewhere on Oahu).

There is a growing wall of concrete in Kaka'ako and new buildings should have stricter limits on height and density, similar to the City's standards. A density limit of 1.5 FAR (or 3.5 FAR at worse case) with height limit of 400 feet is reasonable. A minimum distance of 300 feet should be maintained between buildings that are more than 100 feet tall.

HCDA does not now work with the community or area legislators or councilpersons to ensure project developments follow the plan and rules and do not adversely affect community residents. HB1861 fixes this problem by requiring HCDA to give notice and needed information to legislators, district councilmembers and community residents so they can meaningfully participate; and report to legislators and district councilmembers on each project, including their responses on how they incorporated community concerns, before they approve a project.

Existing residents have minimal say in the present housing approval process, yet they are the ones who will feel the impact of overcrowding for the rest of their lives. HCDA should not have the authority to waive current rules when it comes to how a building looks. Master development plans and rules were made to be followed by everyone.

I enthusiastically urge you to pass HB1861 to protect Kaka'ako and its residents for many generations to come. Thank you very much for your consideration.

Michael Korman

February 4, 2014

lowen2-Lanaly

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

Submitted By	Organization	Testifier Position	Present at Hearing
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

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
808 372-4459

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
Phone: 808-215-9016

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 10:51 PM
To: waltestimony
Cc: nancylhedlund@yahoo.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 2:18 PM
To: waltestimony
Cc: leong.loreen@gmail.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 2/4/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Loreen Leong	Individual	Support	No

Comments: Chairperson Evans and Members of the House Committee of Water and Land My name is Loreen Leong. I have resided in Kaka'ako for the past 20 years. Thank you for this opportunity to testify on House Bill 1867. I support HB 1867 and I support all the House Bills 1860 - 1867 being heard today. Rules are necessary, otherwise, there will be chaos. Rules are there so there is conformity. Therefore, I believe HCDA should not have the authority to waive existing Plans and Rules. I am concerned that HCDA is moving too fast in approving developments and granting exceptions to developers with very little regard for the residents of Kaka'ako. As a result of HCDA's nonconformance to existing rules, I will be living in close proximity to four (4) tower walls of concrete (2 condos 40+ floors and 2 separate 10 story parking garages) on a 3.4 acre site with little privacy; will not be able to enjoy open air space, greenery, fresh air or tradewinds. Unfortunately, this will have an impact on my quality of life, as well as those, in the neighboring condo. I urge you to pass HB 1867 to protect Kaka'ako. Thank you for your time and attention.

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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HB1867

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Submitted By	Organization	Testifier Position	Present at Hearing
Loreen Leong	Individual	Support	No

Comments: Chairperson Evans and Members of the House Committee of Water and Land My name is Loreen Leong. I have resided in Kaka'ako for the past 20 years. Thank you for this opportunity to testify on House Bill 1867. I support HB 1867 and I support all the House Bills 1860 - 1867 being heard today. Rules are necessary, otherwise, there will be chaos. Rules are there so there is conformity. Therefore, I believe HCDA should not have the authority to waive existing Plans and Rules. I am concerned that HCDA is moving too fast in approving developments and granting exceptions to developers with very little regard for the residents of Kaka'ako. As a result of HCDA's nonconformance to existing rules, I will be living in close proximity to four (4) tower walls of concrete (2 condos 40+ floors and 2 separate 10 story parking garages) on a 3.4 acre site with little privacy; will not be able to enjoy open air space, greenery, fresh air or tradewinds. Unfortunately, this will have an impact on my quality of life, as well as those, in the neighboring condo. I urge you to pass HB 1867 to protect Kaka'ako. Thank you for your time and attention.

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 3:53 PM
To: waltestimony
Cc: rmyamauchi@gmail.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 2/4/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Roy Yamauchi	Individual	Support	No

Comments: I am in support of HB 1867 since it will maintain a separation of 300 feet between buildings that are 100 feet or high in height. A building height limit of 400 feet would be positive for the area, but adding a density limit of 1.5 FAR would be a good addition to this bill. All buildings should be oriented on a mauka-makai axis. HCDA's authority to grant exceptions to current zoning rules and regulations should be curtailed. Their performance in this area is especially egregious and demonstrates their lack of focus on the interest of the people that they should be serving, the people of Hawaii. Respectfully submitted, Roy Yamauchi

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Dear House Water & Land Committee Members,

I support HB 1867 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.

Any redevelopment of Kakaako should preserve vistas of its natural beauty for the public's enjoyment.

I strongly agree with a minimum allowable horizontal separation of 300 feet between buildings that are 100 feet or higher in height.

A maximum building height limit of 400 feet is acceptable and putting the standard in law is needed so that HCDA cannot build any higher—and not the 700 foot towers as high as Diamond Head.

The density of 3.5 FAR used in parts of Kaka'ako is higher than the City's and the central Kaka'ako district. It is good to put this standard into law because HCDA, on its own authority, has been granting variances or modifications to allow developers to build as high as 7.5 FAR – much too dense for those who have to live and breathe in Kaka'ako

All buildings should be oriented on a mauka-makai axis so all of Hawaii from mauka to makai can enjoy the beautiful shoreline and ocean.

HCDA should be prohibited from granting any exception to rules regarding maximum floor area ratio

HCDA should not be allowed to change building rules without legislative authorization. Shortsighted decisions and approvals are being made without adequate infrastructure or the assurance that infrastructure will be improved commensurate with the approved and proposed developments in the Kakaako area. Poor HCDA decisions and inadequate oversight of projects in the Barber's Point area have resulted in environmental harm and blight of a previously well-maintained community. HCDA is an irresponsible steward of the lands it oversees and fails to properly care for the aina.

Mahalo,

AL Frenzel

Dear House Water & Land Committee Members,

I support HB 1867 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.

Any redevelopment of Kakaako should preserve vistas of its natural beauty for the public's enjoyment.

I strongly agree with a minimum allowable horizontal separation of 300 feet between buildings that are 100 feet or higher in height.

A maximum building height limit of 400 feet is acceptable and putting the standard in law is needed so that HCDA cannot build any higher—and not the 700 foot towers as high as Diamond Head.

The density of 3.5 FAR used in parts of Kaka'ako is higher than the City's and the central Kaka'ako district. It is good to put this standard into law because HCDA, on its own authority, has been granting variances or modifications to allow developers to build as high as 7.5 FAR – much too dense for those who have to live and breathe in Kaka'ako

All buildings should be oriented on a mauka-makai axis so all of Hawaii from mauka to makai can enjoy the beautiful shoreline and ocean.

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HCDA should not be allowed to change building rules without legislative authorization. Shortsighted decisions and approvals are being made without adequate infrastructure or the assurance that infrastructure will be improved commensurate with the approved and proposed developments in the Kakaako area. Poor HCDA decisions and inadequate oversight of projects in the Barber's Point area have resulted in environmental harm and blight of a previously well-maintained community. HCDA is an irresponsible steward of the lands it oversees and fails to properly care for the aina.

Mahalo,

AL Frenzel

Malama Makaha

February 4, 2014

TO: House Water & Land Committee Members,

SUBJECT: Testimony in Support of HB 1867

Dear Committee Members,

Malama Makaha supports HB 1867 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.

Any redevelopment of Kakaako should preserve vistas of its natural beauty for the public's enjoyment.

Malama Makaha strongly agrees with a minimum allowable horizontal separation of 300 feet between buildings that are 100 feet or higher in height.

A maximum building height limit of 400 feet is acceptable and putting the standard in law is needed so that HCDA cannot build any higher—and not the 700 foot towers as high as Diamond Head.

The density of 3.5 FAR used in parts of Kaka'ako is higher than the City's and the central Kaka'ako district. It is good to put this standard into law because HCDA, on its own authority, has been granting variances or modifications to allow developers to build as high as 7.5 FAR – much too dense for those who have to live and breathe in Kaka'ako

All buildings should be oriented on a mauka-makai axis so all of Hawaii from mauka to makai can enjoy the beautiful shoreline and ocean.

HCDA should be prohibited from granting any exception to rules regarding maximum floor area ratio

HCDA should not be allowed to change building rules without legislative authorization. Shortsighted decisions and approvals are being made without adequate infrastructure or the assurance that infrastructure will be improved commensurate with the approved and proposed developments in the Kakaako area. Poor HCDA decisions and inadequate oversight of projects in the Barber's Point area have resulted in environmental harm and blight of a previously well-maintained community. HCDA is an irresponsible steward of the lands it oversees and fails to properly care for the aina.

Mahalo Nui Loa,



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

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 8:31 PM
To: waltestimony
Cc: suzanne@punapono.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 2/4/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Wakelin	Individual	Support	No

Comments: If you cannot REPEAL HCDA, please PASS this Bill with the following points: Establishes 300 feet minimum distance between buildings that are 100 feet or taller. KEEP Establishes height limit of 400 feet Recommend changing 400 feet height limit to 200 feet for Kakaako Mauka Requires buildings taller than 100 feet to be oriented on a mauka-makai axis Recommend changing 100 feet to 50 feet in height Prohibits granting any variance, exemption or modification of any rule or development plan relating to maximum floor area ratio. KEEP Recommend deleting [infrastructure review by HCDA executive director] Change to: the counties shall review infrastructure to ensure there is adequate water, sewer, parks, roads, open space etc. before projects are approved Add to bill: No portion of any building or structure in Kakaako Makai shall exceed 25 feet in height

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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To: waltestimony
Cc: suzanne@punapono.com
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HB1867

Submitted on: 2/4/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Wakelin	Individual	Support	No

Comments: If you cannot REPEAL HCDA, please PASS this Bill with the following points: Establishes 300 feet minimum distance between buildings that are 100 feet or taller. KEEP Establishes height limit of 400 feet Recommend changing 400 feet height limit to 200 feet for Kakaako Mauka Requires buildings taller than 100 feet to be oriented on a mauka-makai axis Recommend changing 100 feet to 50 feet in height Prohibits granting any variance, exemption or modification of any rule or development plan relating to maximum floor area ratio. KEEP Recommend deleting [infrastructure review by HCDA executive director] Change to: the counties shall review infrastructure to ensure there is adequate water, sewer, parks, roads, open space etc. before projects are approved Add to bill: No portion of any building or structure in Kakaako Makai shall exceed 25 feet in height

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 8:42 AM
To: waltestimony
Cc: kumemoto@hawaii.edu
Subject: *Submitted testimony for HB1867 on Feb 8, 2014 08:30AM*

HB1867

Submitted on: 2/5/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Umemoto	Individual	Support	No

Comments:

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 3:09 PM
To: waltestimony
Cc: eo50@icloud.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 2/5/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Okamura	Individual	Support	No

Comments: We must preserve the vistas of Kakaako. Too many modifications have been allowed. Compliance to the rules should be mandatory.

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Testimony of
Michael Korman
Before the
House Committee on Water & Land
House Bill 1867
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 1867 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 in terms of how high the buildings will be, how close together, and how large they will be relative to their foot print on the ground.

Although I am in favor of community redevelopment as an economically and socially viable course of action, the HCDA's current operating system does not effectively take into consideration the health and quality of life of the existing Kaka'ako neighbors.

Currently planned housing projects will negatively influence the quality of the air, the open space, and the quiet atmosphere that led current residents to select this neighborhood as home. Kaka'ako citizens feel helpless with personal wellbeing and quality of life in jeopardy.

Without thoughtfully-implemented plans, HCDA will foster overbuilding, which will lead to overcrowding and related health and safety problems. Today, HCDA's organizational practices favor the real estate developers who plan to come into our neighborhoods, create huge closely-spaced buildings, and then disappear with their giant profits and without any harmful ramifications.

Existing residents have minimal say in the present housing approval process, yet they are the ones who will feel the impact of overcrowding for the rest of their lives. HCDA should not have the authority to waive current rules when it comes to how a building looks. Master development plans and rules were made to be followed by everyone.

I enthusiastically urge you to pass HB1867 to protect Kaka'ako and its residents for many generations to come. Thank you very much for your consideration.

Michael Korman

February 1, 2014

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 3:36 PM
To: waltestimony
Cc: autumnrose2010@yahoo.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 2/5/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Autumn Rose	Individual	Support	No

Comments: YES we need more LIMITS on ridiculous Kakaako density, heights of skyscrapers taller than Diamond Head -- or ABOLISH HCDA.

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 4:20 PM
To: waltestimony
Cc: kareen.tanoue@gmail.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 2/5/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Kareen Tanoue	Individual	Support	No

Comments: I support HB 1867 because: *Any redevelopment of Kakaako should preserve vistas of its natural beauty for the public's enjoyment. * I strongly agree with a minimum allowable horizontal separation of 300 feet between buildings that are 100 feet or higher in height. * A building height limit of 400 feet is good. (Adding a density limit of 1.5 FAR would be even better). I strongly oppose approvals of projects exceeding 400 feet in height. *All buildings should be oriented on a mauka-makai axis. *HCDA should be prohibited from granting any exception to rules regarding maximum floor area ratio.

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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

**HB1867 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 seeks to statutorily prescribe maximum building height for and minimum proximity among high-rise buildings in Kakaako. It also statutorily prescribes mauka-makai axis orientation for towers in the district. Given HCDA's statements and sad record with respect to its willingness to grant exceptions or exemptions to its own rules for building height, proximity, and orientation, the time has come for the legislature to regain that authority by superseding statute. In my view, Honolulu's citizens should not grant to the nine members of HCDA the exclusive ability to decide in advance, e.g., that an "iconic" 600-foot tower is occasionally necessary as an "exceptional" project (to use their marketing lingo.)

This measure also creates a statutory project eligibility review mechanism, the goal of which is to provide thorough review in advance of granting approval for a project, which approval, in turn, would require that necessary infrastructure improvements be made to the district in advance of occupancy. As a resident of Kakaako, I only wish that at least a similar review and requirements had been in place prior to HCDA approval of the project at 801 South Street, which by itself will bring approximately 1,000 private automobiles to one of the most congested intersections in Honolulu. For that project, no serious or particularized traffic or other infrastructure impact study was performed or made publicly available. And because HCDA has not planned for any nearby pedestrian-accessible markets or other facilities, those 1,000 private automobiles will need to be used on a daily basis for daily tasks (contrary to HRS 206E-33 (3) which requires "primary reliance on public transportation and pedestrian facilities for internal circulation within the district").

The time has come for greater state statutory control of HCDA functions and processes.

Thank you for the opportunity to testify.

James Nelson

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 8:04 PM
To: waltestimony
Cc: evalaviva@gmail.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

Submitted on: 2/5/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Eva Gallegos	Individual	Support	No

Comments: I agree with a minimum of 300 feet separation, a building height limit of 400 feet, a density limit of 1.5 FAR, and a mauka-makai axis orientation. In addition, HDCA should not be allowed to grant FAR exceptions.

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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: Comments for House Bill Nos. 1860, 1861, 1863, and 1867 Relating to the Hawaii Community Development Authority (collectively, the “Bills”)

As an organization dedicated to the education of Native Hawaiians, and longtime steward of legacy lands to perpetuate that mission, Kamehameha Schools (KS) provides the following comments to the Bills.

KS has spent years and valuable resources developing the Kaiāulu ‘O Kaka‘ako Master Plan (the “Master Plan”) for its legacy lands. The Master Plan is more than a set of zoning rules. Instead, it is a plan of holistic and comprehensive development framed by careful study, extensive community input and a commitment to stewardship of our lands in Kaka‘ako. Accordingly, the Plan is rooted in three core values: (i) a deep understanding and commitment to the surrounding community, its economic and social vitality, and its vested stakeholders; (ii) the creation of a sustainable and vibrant cultural life through sustainable land and building practices; and (iii) as first articulated by the State Legislature in 1976 and re-affirmed by enthusiastic community support in 2004, the cultivation of a mixed-use “urban village” and “urban-island culture” within the Honolulu’s core.

These values (and the current Master Plan) were developed in concert with extensive stakeholder meetings and workshops with representatives from the Kaka‘ako Improvement Association, the Kaka‘ako Neighborhood Board, Enterprise Honolulu and the Hawaii Community Development Authority (“HCDA”) solicitation and input over the last ten years. The parties understood that developing an urban village involves substantially more than creating new building structures and constructing residential housing. It requires a commitment to the community and providing the types of urban-island lifestyle choices demanded by those who make Kaka‘ako their home. In this way, the Master Plan serves as the community’s collective blueprints for the economic and social fabric of Kaka‘ako.

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. 1860, 1861, 1863, and 1867 Relating to the Hawaii Community
Development Authority
February 7, 2014
Page 2

Prior to KS' Master Plan application submission to HCDA in November 2008, KS met with HCDA staff, planning professionals, and its greater community to develop the Master Plan. Since then, the public had the opportunity to comment on KS' Master Plan. HCDA took formal action to ensure public input on the plan including (1) mailing almost 12,000 flyers to persons on its "Connections" list, (2) posting the Master Plan on its website, (3) inviting comments from the public through an on-line site and a telephone comment line, (4) holding a community meeting for additional public input, (5) working with KS to address public comments, (6) conducting a contested case hearing (noticed and open to the public), and (7) holding a public hearing for final decision making.

By September 2009, when the Master Plan was adopted, the public had the opportunity to review and comment on the Master Plan for more than nine months and HCDA provided numerous comments to KS on changes to the Master Plan to address public input.

Like blueprints for any major project, changes to carefully crafted rules should not be made in piecemeal without regard to its effects on the whole community. Throughout the formulation of the Master Plan, stakeholders understood the importance, for example, of density in order to create a critical mass within the Master Plan area to ignite and sustain the revitalization of the Kaka'ako area. Simultaneously, planners balanced urban density with natural open public space to promote a healthy and sustainable community with renewed energy and spirit. Thus, spot changes to carefully reviewed plans and rules would undermine the economic and social fabric woven by the community without regard to the consequences on the entire neighborhood. Early entrants into this developing community should not be able to thwart the opportunity for thousands of new residents.

In the past four years, KS has devoted its resources to have its blueprint implemented by the completion of Six Eighty (a reserve housing rental project), its continuing development of the SALT project (with a focus on nurturing developing small businesses), and its work with developers to provide a variety of housing alternatives. KS is asking for these pieces of a complex puzzle be allowed to finally come together to create the urban village with an island-urban culture as envisioned by the Master Plan, for the benefit of the larger community of Honolulu and its residents. Time is of the essence.

Many provisions of the Bills are in conflict with what has already been approved under the Master Plan. Implementation of the Master Plan is well underway and changing the rules at this point is fundamentally unfair and will halt the current momentum of developing a vibrant, sustainable community of people, culture, business enterprises and natural open spaces.

Thank you for the opportunity to provide our comments on these Bills.

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*
- ✓ *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,

Harold Slate
Outside1952@yahoo.com

Dellas Alexander
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

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

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 11:17 PM
To: waltestimony
Cc: morik369@hawaiiantel.net
Subject: *Submitted testimony for HB1867 on Feb 8, 2014 08:30AM*

HB1867

Submitted on: 2/5/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Morikawa	Individual	Support	No

Comments:

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

From: Web Nolan <webnolan@hawaii.rr.com>
Sent: Thursday, February 06, 2014 10:11 AM
To: waltestimony
Subject: Testimony supporting HB1867

Testimony by Kakaako resident Webster Nolan in support of HB1867 for Feb 8, 2014, hearing by House Water and Land Committee.

I strongly support all provisions of HB1867 because the bill offers substantial corrective measures to prevent more failures by the Authority in its interpretations and decisions to permit development projects in violation of the letter and intent of its enabling legislation.

Recent development permits by the Authority have included exemptions from height, density, distance between buildings (as exemplified in the "801 South Street," "803 Waimanu," "Symphony" and "Collection" projects) based on Authority rules designed to facilitate the projects without due consideration of their impact on the community. This bill establishes straightforward requirements (300 feet distance between buildings over 100 feet high, 400 feet height limit, no exceptions on floor area ratios, mauka-makai alignments).

As an additional safeguard against loopholes in the rules and procedures, this bill mandates an eligibility review of infrastructure capacity BEFORE the Authority accepts any application for a development permit, thereby providing more time for conducting an adequacy assessment than the current procedure.

The bill also remedies the frequent problem of trying to determine conflicts, real or apparent, between HCDA and City infrastructure standards, by requiring the HCDA executive director to obtain approval from City and other appropriate government agencies regarding the adequacy of infrastructure.

I strongly urge passage of this bill, which would benefit all parties in a proposed development project by establishing straightforward and clear policies and procedures.

Webster Nolan
876 Curtis St. #1005
Honolulu HI 96813

Ph: 593-1189



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.



Chamber of Commerce HAWAII

The Voice of Business

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

February 8, 2014

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

RE: HB 1867 – Relating to the Kakaako Community Development District – 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”), oppose HB 1867, which establishes additional requirements and prohibitions relating to tower spacing and floor area ratio (“FAR”). This bill infringes on development rights and approved master plans.

By approving the Ward Master Plan on January 14, 2009, HCDA provided enforceable assurances to VWL that its projects under the Master Plan in accordance with HCDA’s Mauka Area Rules existing at January 14, 2009 (“Vested Rules”) would not be later restricted or prohibited by subsequent changes to those rules. In reliance on the validly approved Ward Master Plan and development permits, VWL has committed significant time and resources in implementing various development projects that will occur over the course of the 15-year master plan.

One of the most important approved components of the Ward Master Plan was the ability to transfer the approved floor area ratio (“FAR”) of 3.8 between contiguously-owned development lots, as provided under the master planning rules at HAR §15-22-203(b). This provision is so significant that the pedestrian-friendly, smart-growth, public plaza vision of the Ward Master Plan cannot operate without it. HB 1867 prohibits HCDA from “granting any variance, exemption, or modification to any provision...relating to maximum floor area ratio,” which would infringe upon VWL’s vested development rights set forth in HAR §15-22-203(b) and approved in the Ward Master Plan.

For these reasons, we respectfully urge you to hold HB 1867. Thank you for the opportunity to testify on this measure.

David Striph
Senior Vice President - Hawaii

Howard Hughes



Testimony of Cindy McMillan
The Pacific Resource Partnership

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

HB 1867 – 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 offers the following comments on HB 1867, which amends Hawaii Community Development Authority statute to establish building restrictions and prohibitions.

- While urban infill development has quantifiable benefits for our entire community, there are some tradeoffs. Buildings will be higher than they are in rural areas, and they will be closer together, a pattern consistent with existing uses in the Kakaako area. These factors are balanced by the preservation of our natural resources, less time spent commuting, and money saved on fuel, parking and household energy costs. And this community will be lively and engaging, filled with vibrant experiences that draw people of all ages. While not everyone will want to live in this type of urban community, many will, especially when they begin to realize the benefits in a tangible way.
- Height and density are factors that contribute directly to cost per unit.
- We caution against shifting the burden of paying for needed infrastructure projects from the state and county governments (funded by all taxpayers) to only developers and those taxpayers who are buying a new home in Kakaako.

Mahalo for your consideration of our comments on this bill.

**HB 1867
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 1867, “A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.”

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.

One of the provisions in Section 1 proposes to establish a 300 foot minimum horizontal separation between buildings more than 100 feet in height. With lots in Kaka’ako differing in size and configuration, we understand that a strict setting of a 300 foot separation without any opportunity for reasonable modification, may result in large swaths of property within the Kaka'ako area that are precluded from supporting the

construction of a high rise. This may also result in land owners of adjoining parcels seeking to expedite the attainment of entitlements for the construction of a high rise structure on their land before their neighbor so as to preserve their right to this development option. This may ultimately result in the unjust devaluation of property values for adjoining land owners. In summary, we believe this requirement could lead to underutilized property in an area that has been specifically designated for the development of an urban community, and an unhealthy 'race' for high-rise permits. We respectfully request the continued discussion and a thorough consideration of the potential unintended consequences prior to the codification of minimum building setbacks in statute.

One of the provisions in Section 2 of this bill proposes to prohibit the granting of any variance, exemption, or modification to any provision of any rule or development plan relating to maximum floor area ratio. We believe that a regulating government entity should have the tools necessary to deal with project and property specific issues, while still complying with the established rules, plans, goals and policies for the area. With Kaka'ako consisting of lots of various sizes and configurations, we believe that rules premised upon a one size fits all criteria without a means for reasonable and appropriate modifications may not be conducive to ultimately achieving the mix of residential, commercial, recreational, cultural, and educational facilities desired for this urban renewal area of Kaka'ako. Provisions to provide an enhanced process to closely scrutinize certain project specific modifications when deemed warranted and necessary should be considered to provide reasonable flexibility in authorizing projects that are in the best interests of Kaka'ako and the State of Hawaii.

Thank you for the opportunity to testify.

**HB 1867
RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY**

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

FEBRUARY 8, 2014

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Thank you for the opportunity to testify.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 9:43 PM
To: waltestimony
Cc: eddiejohnson@yahoo.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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
Eddie Johnson	Individual	Support	Yes

Comments: I support HB 1867 because: *Any redevelopment of Kakaako should preserve vistas of its natural beauty for the public's enjoyment. * I strongly agree with a minimum allowable horizontal separation of 300 feet between buildings that are 100 feet or higher in height. * A building height limit of 400 feet is good. (Adding a density limit of 1.5 FAR would be even better) *All buildings should be oriented on a mauka-makai axis *HCDA should be prohibited from granting any exception to rules regarding maximum floor area ratio

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 9:50 PM
To: waltestimony
Cc: amybugala@yahoo.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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
Amy Bugala	Individual	Support	No

Comments: I support HB 1867 because: *Any redevelopment of Kakaako should preserve vistas of its natural beauty for the public's enjoyment. * I strongly agree with a minimum allowable horizontal separation of 300 feet between buildings that are 100 feet or higher in height. * A building height limit of 400 feet is good. (Adding a density limit of 1.5 FAR would be even better) *All buildings should be oriented on a mauka-makai axis *HCDA should be prohibited from granting any exception to rules regarding maximum floor area ratio

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 11:36 PM
To: waltestimony
Cc: candychoi68@gmail.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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
Candy Choi	Individual	Support	No

Comments: It is very important to have restriction in building height! You don't want Hawaii to become like New York and Hong Kong which lost the nature of beauty of Hawaii with beaches.....if all the high rise are built, there will be no way for people to enjoy the views and all the facilities are not enough!

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 12:44 AM
To: waltestimony
Cc: bsuzui@msn.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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
Bryan Suzui	Individual	Support	No

Comments: In Support of HB 1867 Chairperson Evans and members of the House Committee on Water and Land, I support HB 1867. We should not allow a wall of concrete to be built, as this would affect all of us in one way or another. In speaking with visitors from the mainland U.S. and Asia, they are already unhappy with the increasing number of high-rises in Honolulu. I am concerned that a growing wall of concrete will cause tourism to suffer. And when tourism suffers, everyone in Hawaii suffers. I agree with the following limits in this bill: a 300 foot minimum distance between buildings, and a mauka-makai axis requirement. We do need an absolute height limit as this bill states, but perhaps 400 feet is too high, especially if there will be 30++ new towers. Perhaps 200 feet might be a better limit. I would also add a density limit of 1.5 FAR as in HB 1863. Please pass HB 1867. Thank you for your attention.

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Thomas Lee Travis

RR 2 Box 3317

Pahoa, HI 96778

email: ttravis12@mac.com

mobile: (757) 639-7364

Members of 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 1867 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



KAKAKO
KALAELOA

Neil Abercrombie
Governor

Brian Lee
Chairperson

Anthony J. H. Ching
Executive Director

461 Cooke Street
Honolulu, Hawaii
96813

Telephone
(808) 594-0300

Facsimile
(808) 594-0299

E-Mail
contact@hcdaweb.org

Web site
www.hcdaweb.org

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. 1867 – RELATING TO THE KAKAAKO COMMUNITY
DEVELOPMENT DISTRICT.**

Purpose: Establishes a minimum of 300 feet between buildings that are 100 feet in height or greater. Requires project eligibility review to be conducted prior to receipt of development permit application. Specifies that any building or structure shall not exceed 400 feet in height. Any building that is at least 100 feet in height shall be oriented on a mauka-makai axis. No variance, exemption, or modification shall be granted relating to maximum floor area ratio.

Position: I provide the following comments on this proposal. I note that this testimony represents my own opinion and not that of the Authority as I have not yet had the opportunity to vet this proposal with them and elicit their responses and collective position.

Minimum Tower Spacing. Imposition of a minimum tower spacing of 300 feet will necessarily create adverse impacts for existing landowners/small businesses. Examination of existing buildings in Kakaako such as One Waterfront Towers, Royal Capitol Plaza and Imperial Plaza reveal that they could not have met that standard. Imposition of this rule might also affect parcels in Central Kakaako which are proximate to existing buildings. They would not be able to construct 100 feet tall/10 story buildings because it is impossible to move their buildings away from other existing buildings due to the constraints of their parcel.

Establishing this standard will necessarily only protect those who have gone before and received exemption and reward those who develop before their neighbor. This standard is arbitrary and capricious and will produce significant hardship for small and large stakeholders and landowners alike.

Project Eligibility Review. The current (2011) rules already makes this requirement. In addition, the Authority typically requires that the applicant brief relevant city and state agencies with oversight in some phase of the development permit process and solicit their findings and recommendations. The Authority also currently requires the applicant to document the receipt (or not) of the necessary utility hookups (e.g., sewer connection and drinking water) during the Authority's review of the permit.

Height. I note that the existing standard in the City & County of Honolulu provides that while the maximum height of the building is set at 400 feet, there is still allowance given for any machine room, rooftop utility or architectural feature. Should the Legislature legislate building height, I believe that this specification needs to be added.

Mauka-Makai Axis for Tower Buildings. I note that the existing rules provide some flexibility in the orientation of the building relative to the Mauka Makai Axis. This flexibility is important where an individual parcel or situation may require the giving of flexibility in tower orientation to the prevailing West – East issue.

Prohibition on the granting of any variance, exemption or modification to rule or development plan relating to maximum floor area. Currently, the rules allow for density bonus to be granted where light industrial activities are included in the mix of uses. The rule also allows for the construction of workforce housing and a corresponding density bonus given the priority given to providing qualified income/workforce housing that is sorely needed in our community. Another area where a density bonus is offered is where a private developer is required to construct 20% of their floor area as reserved housing. As the state does not provide any subsidy to the developer for their voluntary support and as the provision of qualified income housing units is a priority, I do not believe that this is the intended outcome.

Finally, the tenants and landowners in the Central Kakaako neighborhood stand to lose their current entitlement to 3.5 FAR in favor of a much lower 1.5 FAR. I believe that this would be an unrepresentative and dangerous perspective for the Legislature to record.

Thank you for the opportunity to provide comment on this subject.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 8:29 AM
To: waltestimony
Cc: barb@punapono.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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
Barb Cuttance	Individual	Support	No

Comments: Thank you for hearing Bill HB1867 I strongly support this bill: Establishes 300 feet minimum distance between buildings that are 100 feet or taller. KEEP Establishes height limit of 400 feet Recommend changing 400 feet height limit to 200 feet for Kakaako Mauka Requires buildings taller than 100 feet to be oriented on a mauka- makai axis Recommend changing 100 feet to 50 feet in height Prohibits granting any variance, exemption or modification of any rule or development plan relating to maximum floor area ratio. KEEP Recommend deleting [infrastructure review by HCDA executive director] Change to: the counties shall review infrastructure to ensure there is adequate water, sewer, parks, roads, open space etc. before projects are approved Add to bill: No portion of any building or structure in Kakaako Makai shall exceed 25 feet in height Please pass this bill. Barbara Cuttance 14/266 Papaya Farms Road Pahoehoe, Hawaii 96778

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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 HB1867 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 HB1867, which amends HCDA statute to establish building restrictions and prohibitions.

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 HB1867 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 HB1867.

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



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February 7, 2014

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Local 204

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Workers Local 996

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

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Members of the Committee on Water and Land
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415 South Beretania Street
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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 9:50 AM
To: waltestimony
Cc: aycockburr@aol.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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: Thank you for passing this bill, for imposing a 300 foot MINIMUM distance between buildings exceeding 100 feet in height. And for taking the precaution that adequate infrastructure exists via project approvals, and for maximizing the height at a 400 foot limit. I question the "mauka-makai axes" as outlined in the many Kakaako "Plans," because buildings such as ours (One Waterfront Tower-Makai) was built on an angle and the axis cannot apply. This angle, by the way, is listed in one of the Plans as the recommended -- the ideal. All this needs review by developers and oversight by citizens and legislators. I do approve that HCDA must obey the FAR and not exceed it with variances in any case. Thank you for passing this legislation with attention to the mauka-makia axis, by not being too rigid there. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 9:53 AM
To: waltestimony
Cc: CLSKWOCK@GMAIL.COM
Subject: *Submitted testimony for HB1867 on Feb 8, 2014 08:30AM*

HB1867

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
CHU LAN SHUBERT-KWOCK	Individual	Support	No

Comments:

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Cc: CLSKWOCK@GMAIL.COM
Subject: *Submitted testimony for HB1867 on Feb 8, 2014 08:30AM*

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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
CHU LAN SHUBERT-KWOCK	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 10:29 AM
To: waltestimony
Cc: kkbtr@earthlink.net
Subject: *Submitted testimony for HB1867 on Feb 8, 2014 08:30AM*

HB1867

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
Vivien Tham	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 11:10 AM
To: waltestimony
Cc: michellefoyt@gmail.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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
Michelle Foyt	Individual	Support	No

Comments: We bought a condo at the Moana Pacific in Kaka'ako in July. We are awakened by 5 am by heavy machinery working in Ala Moana Center, Waihonua Condominium Complex, and One Ala Moana Condominium Complex. We're going to have to buy noise canceling earphones to get a decent night's sleep. I'm shocked that there are not more public referendums on new construction of large buildings. Why are people not voting on whether a building can be added? Developers should be made to explain what they will do for the community. If this is a primary way for Hawaii to have necessary income, it's going to come to an end soon enough. Lack of planning or bad planning will come back to bite us all. There are many issues that should be presented to the public about rising water levels including that of ground water, sewage, etc.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 11:21 AM
To: waltestimony
Cc: vsc@hawaiiintel.net
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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
Victoria Cannon	Individual	Support	No

Comments: We support this bill. Keep the 300' minimum distance between buildings that are 100' or taller. Change the 400' height limit to 200' for Kakaako Mauka. Change the 100' height for buildings oriented on a mauka-makai axis to be 50'. Keep the prohibition of granting any variance, exemption or modification relating to maximum area ratio. Delete the "infrastructure review by HCDA director and change to counties shall review infrastructure to ensure there is adequate water, sewer, parks roads etc. Add no portion of any building in Kakaako Makai shall exceed 25'. Victoria and Trudy Cannon

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 11:33 AM
To: waltestimony
Cc: ralpheburr@aol.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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
Ralph E. Burr	Individual	Support	No

Comments: HB 1867: I support HB 1867 because: *Any redevelopment of Kakaako should preserve vistas of its natural beauty for the public's enjoyment. * I strongly agree with a minimum allowable horizontal separation of 300 feet between buildings that are 100 feet or higher in height. * A building height limit of 400 feet is good. (Adding a density limit of 1.5 FAR would be even better) *All buildings should be oriented on a mauka-makai axis, and building's specific mauka-makai axis should be respected whether or not it happens to parallel an axis corridor (for example, One Waterfront's two towers). *HCDA should be prohibited from granting any exception to rules regarding maximum floor area ratio and garage heights and open spaces and zoning restrictions.

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Testimony for the
House Committee on Water & Land
Saturday, 0830 hrs, February 8, 2014
House Bill 1867
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 support HB 1867 for the following reasons:

- Any redevelopment of Kakaako should preserve the scenic views of the island's natural beauty for the public's enjoyment.
- I strongly agree with a minimum allowable horizontal separation of 300 feet between buildings that are 100 feet or higher in height. This bill should also state that it does not apply in ALL cases. The distance from window to window should not apply to buildings that have a podium for parking and recreational areas. The distance should be measured from the lower podium boundary to the window of the proposed building. In the case of 801 South Street Tower B, the developer and HCDA are measuring the distance from window to window. This allows the new building to be constructed too close to the parking podium and recreational space.
- A building height limit of 400 feet is reasonable. (Adding a density limit of 1.5 FAR would be even better).
- All buildings that are at least one hundred feet in height should be oriented on a mauka-makai axis.
- HCDA should be prohibited from granting any exception to rules regarding maximum floor area ratio.

I urge the committee members to pass HB 1867. I would also like to recommend that this bill should also be applied to projects that HCDA has approved in the past 6 months that hasn't been built. Those projects must be reviewed again for compliance to these rules.

Grace Ishihara
ue-wale0903@hotmail.com

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 2:00 PM
To: waltestimony
Cc: daneknish@yahoo.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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
Daniel Nishimura	Individual	Support	No

Comments: To preserve public enjoyment of views of Kakaako's beautiful shoreline and skies, I feel there should be stricter limits on building height and density. A concrete jungle should be avoided. • I strongly agree with the minimum allowable horizontal separation of 300 feet between buildings that are 100 feet or higher in height, (as worded in this bill.) • A density limit of 1.5 FAR should be added to this bill, to help to preserve open spaces in this area (as worded in HB 1863). • All buildings should be oriented on a mauka-makai axis, (as worded in this bill.) • Very importantly, HCDA should be prohibited from granting any exception to rules regarding maximum floor area ratio (as worded in this bill.)

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Testimony of

Anna Filler

Before the House Committee on Water and Land

Saturday February 8, 2014

House Bill 1867: Relating to the Hawaii Community Development Authority

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

My name is Anna Filler and I have been a resident of Kaka'ako for the past 25 years.

Thank you for the opportunity to testify on **House Bill 1867**. I support HB 1867 and I support all the House Bills 1860, 1861, 1863 to 1866 being heard today.

I strongly support HB 1867 because the future of Kaka'ako must be developed to preserve the natural scenic beauty with no over building. The approval of workforce housing projects and allowed modifications which the HCDA makes and waives its own rules must be changed.

There will be increased overbuilding, overcrowding, traffic congestion, health, and safety problems if the HCDA continues to function with no authority over their decisions.

I urge you to pass HB 1867 to protect Kaka'ako. Thank you for your time and attention to present my testimony.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 2:49 PM
To: waltestimony
Cc: henry.lifeoftheland@gmail.com
Subject: *Submitted testimony for HB1867 on Feb 8, 2014 08:30AM*

HB1867

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
Henry Curtis	Life of the Land	Support	Yes

Comments:

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Testimony of

Cara Kimura

Before the House Committee on Water and Land

Saturday, February 8, 2014

House Bill 1867: Relating to the Hawaii Community Development Authority

My name is Cara Kimura and I am in support of HB1867 and the other bills before you today. I have lived in Kakaako for the past 15 years. When I first moved to Kakaako, it was a virtual ghost town - many of the commercial buildings were abandoned, occupied by squatters, not really someplace you'd like to be after dark. Slowly, businesses began moving into the district -- at first, just a few car dealerships, restaurants and a few small stores. I heard promises that soon Kakaako would be a bustling, lively, walkable community - with everything one needed to live, work and play within walking distance. Having studied the development plan rules as part of my architectural education, I was familiar with this vision and had great hope for the Kakaako's future. Recent events have shown me that rules are only good as those that are charged with enforcing them.

Residential development in Kakaako is largely guided by Chapter 217 of the Hawaii Administrative Rules -- Kakaako Mauka Area Rules -- and the Mauka Area Plan. These rules and plan establish the vision of Kakaako that has been marketed as "live, work, play."

Chapter 218 of the Hawaii Administrative Rules defines provisions for Reserved Housing and Workforce Housing for HCDA residential development. These rules are not in line with the city's definitions of affordable housing and therefore do not truly provide a supply of housing that the average local family can afford. The rules for Workforce Housing allow exemptions -- called "modifications" -- from all other applicable rules for development. They basically undo the vision laid out by the Mauka Area Rules and Mauka Area Plan -- the promise of Kakaako. I urge this committee to add language to this bill to also repeal Chapter 218 or have it drastically rewritten, particularly with regards to Workforce Housing, which only serves to benefit developers, not the

Kakaako community and those who need true affordable housing.

At the recent hearings for 801 South Street, Tower B, residents pointed out numerous aspects of the proposed development that did not conform with the Mauka Area Rules and Plan, including erroneous calculations and assumptions used to justify the affordability of condo unit prices. Because 801 South Street was marketed as “workforce housing,” it purported to provide much needed affordably-priced housing in Kakaako and, as a result, allowed the developer to ask the Hawaii Community Development Authority (HCDA) for significant modifications from the Mauka Area Rules and Plan. Although a detailed report was provided to HCDA proving how the prices were not affordable for the “workforce” family in Hawaii, the project was granted significant modifications from the Mauka Area Rules and approved for development.

If HCDA cannot be relied upon to enforce its own rules, then it is only logical to make those rules enforceable by statute. This bill does just that. I urge you to pass HB1867.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 4:32 PM
To: waltestimony
Cc: leiotaloha@yahoo.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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
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 1867. While I fully support redevelopment of Kakaako, I think there should be limits on height, density, and distance between buildings. Public enjoyment of open skies and sunlight in the area should be kept in mind, since many residents all over Oahu pass through Kakaako regularly. It is also vital to our economy that we preserve the flavor of Hawaii in this area as much as possible, for our visitors from the mainland and overseas. To this end, I agree with this bill's minimum distance of 300 feet between buildings, and mauka-makai axis orientation requirement. I add a density limit, such as 1.5 FAR as worded in HB 1863. A height limit should also be established. This bill lists 400 feet, but since there is a very large number of buildings planned, perhaps it should be lower. And as this bill states, all rules regarding maximum floor area ratio should be followed without exception. Please pass HB 1867. 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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 4:33 PM
To: waltestimony
Cc: surfandsea05@yahoo.com
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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
Lillian Nishimura	Individual	Support	Yes

Comments: I support HB 1867.

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

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 5:11 PM
To: waltestimony
Cc: mango968@earthlink.net
Subject: Submitted testimony for HB1867 on Feb 8, 2014 08:30AM

HB1867

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
Pam Metthe	Individual	Support	No

Comments: I support HB1867 because I am concerned about how Kaka'ako's infrastructure will support all of the development planned over the next 20 years and how Kaka'ako will look without rules regarding building height, placement and FAR.

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

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 5:22 PM
To: waltestimony
Cc: heather.nishimura@gmail.com
Subject: *Submitted testimony for HB1867 on Feb 8, 2014 08:30AM*

HB1867

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
Heather Nishimura	Individual	Support	No

Comments:

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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Hawai'i Construction Alliance

P.O. Box 179441
Honolulu, HI 96817
(808) 348-8885

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: Opposition to HB1867

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

The Hawai'i Construction Alliance would like to express its opposition to HB1867, which amends the Hawai'i Community Development Authority statute to establish building restrictions and prohibitions, which include minimum building separations, project eligibility review of infrastructure, height limitations, mauka-makai axes for tower buildings, and a prohibition on variances relating to maximum floor area ratio.

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.

We are extremely concerned that the provisions contained in this bill would make it extremely difficult to proceed with the goal of transforming Kaka'ako into a place where the next generation of local residents can live, work, play, and raise families.

In order to deliver housing for Hawai'i families, jobs for local workers, and public facilities in the area, urban planners and other stakeholders may require the flexibility to construct buildings closer together (perhaps in twin-tower configurations, such as is already found at One Waterfront Tower, or across the street from one another, as is the case with Royal Capitol Plaza and Pacific Park Plaza); higher than 400' to include necessary mechanical apparatuses on rooftops; or along alternative axes in the case of parcels which are narrow or oddly-shaped. Flexibility may also be required in regard to maximum floor area ratio in order to construct affordable, workforce housing, as height and density are factors that contribute to cost per housing unit.

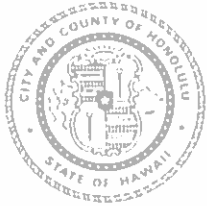
The legislature should strongly weigh the potential negative impacts of the provisions contained within HB1867 before permanently inscribing these inflexible restrictions into the HCDA statute.

Thank you for the opportunity to provide these comments in opposition to HB1867.

Mahalo,

A handwritten signature in black ink that reads "Tyler Dos Santos-Tam". The signature is written in a cursive, flowing style.

Tyler Dos Santos-Tam
Executive Director
Hawai'i Construction Alliance
execdir@hawaiiconstructionalliance.org



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".

Breene Harimoto
Councilmember, District VII



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065

BRENE 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 "Brene 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, appearing to read "Breene Harimoto". The signature is fluid and cursive, written in a professional 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.

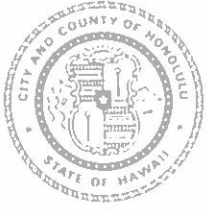
The initial mission of HCDA was to plan and facilitate the redevelopment of the Kakaako area of urban Honolulu. As all areas surrounding Kakaako are under the planning and development jurisdiction of the City & County of Honolulu, HCDA's efforts are essentially duplicative and grossly infringe on County 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, appearing to read "Breene Harimoto", with a stylized 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 written in a cursive style with a horizontal line at the end.

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.

Honorable Representative Cindy Evans, Chair
Honorable Representative Nicole E. Lowen, Vice Chair
Honorable Members of the Committee on Water & Land

Re: HB 1867 – **In Strongest Support** relating to HCDA complying with the minimum proximity between tower buildings

Good Morning Chair Evans, Vice Chair Lowen and Members of the Committee on Water & Land:

I am Daisy Murai, a long time resident of Kapahulu and I **strongly support HB 1867** in regards to following building code requirements, which HCDA seems to forget by allowing Developers and Property Owners to build their buildings much closer to each other. The buildings being built much closer to each other without offering a buffer zone will create what is currently experienced by residents, schools and businesses in the Makiki District.

Reasons to build buildings with a buffer zone area:

- 1) Very little "green spaces" for children and adults with pets that live in the condos.
- 2) Very little parking spaces available for the Condo residents that have more than one vehicle per unit.
- 3) Viewplanes will also be hindered when buildings are built close to each other.
- 4) Emergency responders and their vehicles will not have enough room to maneuver in getting to the Emergency fast.
- 5) The City's Elevated Rail System will have very little room between buildings on Queen Street.

These are my reason why I **strongly support** HB1867.

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

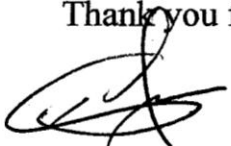
Saturday, February 8, 2014, 8:30 A.M.

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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.

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.

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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.

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.

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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.

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

Submitted By	Organization	Testifier Position	Present at Hearing
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

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

lowen2-Lanaly

From: Ron Iwami <ronald@kewalo.org>
Sent: Friday, February 07, 2014 3:55 PM
To: waltestimony
Subject: *****SPAM***** Testimony in support of HB 1860, HB1861, HB1866, HB 1867



House Committee on Water and Land, Rep. Cindy Evans, Chair

February 8, 2014 @8:30 am

Conference room 325, State Capitol

Testimony in support of HB 1860, HB1861, HB1866, HB1867

Aloha,

Friends of Kewalos is a non-profit community group dedicated to Protect, Preserve, and Malama Kewalo Basin Park and the surrounding Kaka‘ako shoreline area to ensure continued ocean access and the ability to enjoy the area for future generations to come.

We are deeply concerned about the irresponsible and unprecedented development that is occurring in Kaka‘ako today.

We must take the first steps to help HCDA improve the way they do business. First and foremost, they need to really listen to the People and really incorporate their input in their decision making and not just go “through the motions”. We need more community stakeholders as members of HCDA to create a better mix of representation instead of all business and government. HCDA needs to follow the rules and not exceed the 400 foot height limitation by allowing buildings 650 ft in height. They should keep the Mauka- Makai axis orientation to preserve our last remaining view planes. HCDA should make sure all the infrastructure needs are resolved to sustain the increased population such as increased traffic, schools, water and sewer needs. Case in point, the sewer stench is a reality in Kaka‘ako, yet HCDA continues to approve tower after tower. It would be disastrous if we had a similar sewage spill like the one that occurred in Waikiki. Imagine millions of gallons of raw sewage flowing into Kewalo Basin.

Friends of Kewalos feel these bills are a good first step in improving HCDA for the better which will result in a Kaka‘ako that is developed Smart and Responsibly for all the people of Hawaii.

Mahalo for this opportunity to testify and share our manao.

Ron Iwami
President, Friends of Kewalos



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
Recording Secretary

THOMAS CATHCART
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 Water & Land Committee

RE: **HB1867** Relating to the Kakaako Community Development District

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

The Hawaii Laborers' Union strongly opposes HB1867. The measure establishes a minimum of 300 feet between buildings. The bill will also require a project review process prior to receipt of a development permit application. Further, the bill specifically states that no building structure shall be more than 400 feet high. The imposition of minimum tower spacing of 300 feet will create adverse impacts for existing landowners and small businesses.

The most difficult and troublesome requirement is the provision that buildings more than 100 feet or more in height shall be oriented on a mauka-makai axis. Additionally, there will be no exemptions or modification to the maximum floor area.

Establishing these new standards will protect current commercial, land and condo owners who received exemptions; new owners will not.

Thank your for the opportunity to submit this testimony.

Sincerely,

Al Lardizabal
Government Relations

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 1867,
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 HCDA -- the state agency designated by statute as the steward of Kaka'ako -- to implement plans and rules developed with citizens and approved by the governor. Unfortunately, HCDA has approved variances and modifications to allow projects that violate its own and the county's zoning standards and rules; and has failed to adequately address infrastructure problems and the concerns by residents, businesses and users of Kaka'ako.

HB 1867 addresses these problems by requiring HCDA to follow building standards and restricting its current practice of granting developers variances and modifications which adversely affect the neighborhood and fail to meet the city's standards and "hardship test."

We agree with the standards required in HB1867 as they most adversely affect the district: (1) closeness of buildings higher than 100 feet shall be no less than 300 feet; (2) infrastructure facilities must adequately serve the proposed development; (3) height shall not exceed 400 feet; (4) mauka-makai orientation is required for buildings higher than 100 feet; and (5) maximum density.

Based on the foregoing, we strongly support HB1867 and urge your passage of the bill.

Thank you for the opportunity to testify.



HAWAII LABORERS-EMPLOYERS COOPERATION AND EDUCATION TRUST

1617 Palama Street · Honolulu, HI 96817 · Phone: 808-845-3238 · Fax: 808-845-8300 · URL: 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. 1867, 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. 1867, which amends the HCDA statute to establish building restrictions and prohibitions.

This bill would require a project eligibility review of infrastructure for each project, but does not explain what such a review entails.

This measure will create standards that are arbitrary. When projects are reviewed, height, setback and mauka-makai axes are considered and adjustments are made to best fit the location of the project and in the best interest of the surrounding area. We see this bill no allowing for such adjustments and may produce significant hardships for small business and large landowners alike.

For this reason, Hawaii LECET is in **opposition** to House Bill No. 1867.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 08, 2014 4:18 PM
To: waltestimony
Cc: mat676@aol.com
Subject: *Submitted testimony for HB1867 on Feb 8, 2014 08:30AM*

HB1867

Submitted on: 2/8/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Romero	Individual	Support	No

Comments:

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

lowen2-Lanaly

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

To: House Water & Land Committee Testimony <WALTestimony@capitol.hawaii.gov>

CC: Anthony Ching (Hawaii Community Development Authority, Executive Director) <Tony@hcdaweb.org>, Lori Tanigawa (HCDA, Deputy AG - 8396) <lori.n.tanigawa@hawaii.gov>, Randy Grune (DOT Harbors, Deputy Director 12/31/2014) <Randy.Grune@hawaii.gov>, Luis Salaveria <luis.p.salaveria@hawaii.gov>, Richard Lim (DBEDT Director 12/31/2014) <richard.lim@dbedt.hawaii.gov>, Bruce Coppa, (Governor's Chief of Staff - 12/31/2014) <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>

To:<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

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

Pauahi Tower
1003 Bishop Street, Suite 1730
Honolulu, Hawai'i 96813
Telephone 808.523.8447
Facsimile 808.523.8448
e-mail: 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

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

Pauahi Tower
1003 Bishop Street, Suite 1730
Honolulu, Hawai'i 96813
Telephone 808.523.8447
Facsimile 808.523.8448
e-mail: carl@varadylaw.com

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,¹ 801 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

¹ 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 lots² 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

² 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:

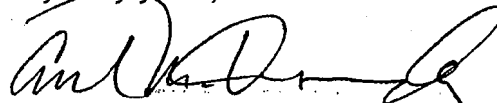
1. The HCDA rescind approval of the Development Permit for Phase II of the Downtown Capital LLC 801 South Street Project Planned Development Permit Number KAK 13-057.
2. HCDA conduct and complete another supplement Environmental Impact Statement that addresses, evaluates and mitigates all the changes 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

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NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
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



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 • 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.