



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAAKO
KALAELOA

Neil Abercrombie
Governor

Brian Lee
Chairperson

Anthony J. H. Ching
Executive Director

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STATEMENT OF
ANTHONY J. H. CHING, EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY
BEFORE THE
SENATE COMMITTEE ON WAYS AND MEANS

ON

Wednesday, February 26, 2014

9:00 A.M.

State Capitol, Conference Room 211

in consideration of

**S. B. 2696, S. D. 1 – 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.

I note that Section 1 of the proposal provides no findings to support or justify the amendments and offer comments relative to each amendment.

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

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 450 feet, there is still allowance given for any machine room, rooftop utility or architectural feature. I note that SD 1 provides language maintaining allowance for machine, utility and architectural features but did not limit the provision to the standard of 18 feet. For clarity, 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 a density bonus for the construction of workforce housing, given the desperate need for qualified income/workforce housing 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.

It is also important to note that the City & County of Honolulu allows density up to 7.0 (up from 3.5) in their Business Mixed Use (BMX) zoning category. The density bonus and height relief is intended to reward greater use of open space. This further illustrates that density bonuses represent another tool for government to utilize to promote good planning.

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

LATE



KAMEHAMEHA SCHOOLS

February 25, 2014

WRITTEN TESTIMONY TO THE SENATE COMMITTEE ON WAYS AND MEANS

By

Walter F. Thoemmes III, Chief of Staff
Kamehameha Schools

Hearing Date: February 26, 2014
9:00 a.m. Conference Room 211

To: Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair
Members of the Senate Committee on Ways and Means

RE: Comments and Requested Amendment for Senate Bill No. 2696 Relating to the Kaka‘ako Community Development District, and Senate Bill Nos. 2697 and 2698 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 Master 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.

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

Senator David Y. Ige, Chair

Senator Michelle N. Kidani, Vice Chair

Members of the Senate Committee on Ways and Means

Testimony relating to Senate Bill No. 2696 Relating to the Kaka‘ako Community Development District,
and Senate Bill Nos. 2697 and 2698 Relating to the Hawaii Community Development Authority

February 25, 2014

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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. Accordingly, KS respectfully requests that each Bill be amended to provide that **“development rights under a master plan permit and master plan development agreement issued and approved by the authority are vested under the community development district rules in effect at the time initially approved by the authority and shall govern development on lands subject to such permit and agreement. These rights are not modified by the provisions hereof.”** This addition will confirm certainty for KS’ multi-year efforts to deliver housing alternatives in the urban core in reliance on the Master Plan, which is important to keep 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 and proposed revisions to these Bills.

A BILL FOR AN ACT

RELATING TO THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 206E, Hawaii Revised Statutes, is amended by adding four new sections to part II to be appropriately designated and to read as follows:

"§206E- Minimum proximity between tower buildings.

There shall be a minimum of three hundred feet between buildings that are one hundred feet or higher in height.

§206E- Project eligibility review of infrastructure.

(a) The executive director of the authority shall require, prior to receipt of any application for a development permit, a project eligibility review of the development project. No development application for a permit shall be considered until the project eligibility review has been completed. Developments shall not be approved unless adequate infrastructure facilities are or will be made available to service the proposed development prior to occupancy. The executive director shall

obtain approval from applicable governmental agencies regarding the adequacy of infrastructure requirements.

(b) Any applicant seeking a development permit shall contact any relevant county and state agencies to determine infrastructure needs of the development project and solicit the agencies' findings and recommendations.

§206E- Height. No portion of any building or other structure, except for the portion of the building or structure that consists of a machine room, rooftop utility, or architectural feature, shall exceed four hundred feet in height.

§206E- Mauka-makai axes for tower buildings. Any building that is at least one hundred feet in height shall be oriented on a mauka-makai axis."

SECTION 2. Section 206E-7, Hawaii Revised Statutes, is amended to read as follows:

"§206E-7 Community development rules. The authority shall establish community development rules under chapter 91 on health, safety, building, planning, zoning, and land use which, upon final adoption of a community development plan, shall supersede all other inconsistent ordinances and rules relating to the use, zoning, planning, and development of land and construction thereon. Rules adopted under this section shall follow existing law, rules, ordinances, and regulations as closely as is consistent with standards meeting minimum

requirements of good design, pleasant amenities, health, safety, and coordinated development. The authority may, in the community development plan or by a community development rule, provide that lands within a community development district shall not be developed beyond existing uses or that improvements thereon shall not be demolished or substantially reconstructed, or provide other restrictions on the use of the lands. Development rights under a master plan permit and master plan development agreement issued and approved by the authority are vested under the community development district rules in effect at the time initially approved by the authority and shall govern development on lands subject to such permit and agreement. These rights are not modified by the provisions hereof."

SECTION ~~23~~. Section 206E-31.5, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~206E-31.5[~~]~~] Prohibitions. Anything contained in this chapter to the contrary notwithstanding, the authority is prohibited from:

- (1) Selling or otherwise assigning the fee simple interest in any lands in the Kakaako community development district to which the authority in its corporate capacity holds title, except with respect to:
 - (A) Utility easements;
 - (B) Remnants as defined in section 171-52;

- (C) Grants to any state or county department or agency; or
 - (D) Private entities for purposes of any easement, roadway, or infrastructure improvements; [~~or~~]
- (2) Approving any plan or proposal for any residential development in that portion of the Kakaako community development district makai of Ala Moana boulevard and between Kewalo [~~Basin~~] basin and the foreign trade zone[~~-~~]; and
- (3) Granting any variance, exemption, or modification to any provision of any rule or development plan relating to maximum floor area ratio."

SECTION ~~3~~4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION ~~4~~5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION ~~5~~6. This Act shall take effect on July 1, 2050.

Report Title:

Kakaako Community Development District; Prohibitions

Description:

Amends Hawaii Community Development Authority statute to establish building restrictions and prohibitions for the Kakaako community development district. Takes effect 7/1/2050. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

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

February 26, 2014

Honorable David Ige, Chair
Honorable Michelle Kidani, Vice Chair
Senate Committee on Ways and Means

RE: SB 2696 SD1 – Relating to the Kakaako Community Development District – IN OPPOSITION
Hawaii State Capitol, Rm. 211; 9:00 AM

Aloha Chair Ige, Vice Chair Kidani and Members of the Committee,

The Howard Hughes Corporation, and its wholly-owned subsidiary Victoria Ward Limited (“VWL”), understand the community’s concerns and support community engagement. However, we believe there are better ways to address the community’s concerns without making such drastic changes to Hawaii Community Development Authority’s (“HCDA”) statute. We oppose SB 2696 SD1, 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 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. SB 2696 SD1 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 SB 2696 SD1. Thank you for the opportunity to testify on this measure.

David Striph
Senior Vice President - Hawaii

Howard Hughes



**Testimony to the Senate Committee on Ways and Means
Wednesday, February 26, 2014 at 9:00 A.M.
Conference Room 211**

**RE: SENATE BILL 2696, SD1 RELATING TO THE KAKAAKO COMMUNITY
DEVELOPMENT DISTRICT**

Chair Ige, Vice Chair Kidani, and members of the committee:

The Chamber provides the following **comments** on SB 2696, SD1, which proposes to impose additional procedures and processes on the Hawaii Community Development Authority (HCDA).

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



Chamber of Commerce HAWAII

The Voice of Business

areas designated as community development districts, the legislature believes that the planning and implementation 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.

If policy makers had concerns about redevelopment in this area, the concerns should have been addressed when the planning was being done and infrastructure capacity was being installed to accommodate the projected densities in the area. 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 concerns being expressed by those residents and businesses presently in Kakaako should be viewed in context with the process used by HCDA in its redevelopment efforts over the last 30+ years. Plans for growth and higher density did not materialize overnight and have been properly vetted by HCDA through their master planning process.

Hawaii's land use entitlement process is already cumbersome and adds to the cost of development, including housing in Hawaii. It is one of the principal drivers of why the median home price in Hawaii is \$685,000.00 and going up. The legislature should question the need for "tweaking" the HCDA process at this time and insure that all consequences of this type of legislative involvement are disclosed and realized upfront before implementing further processes on HCDA.

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

Testimony of
Sharon Y. Moriwaki
Before the
Senate Committee on Ways and Means
Wednesday, February 26, 2014, 9:00 a.m., Conference Room 211

In Strong Support of SB 2696, SD1, Relating to the Kaka'ako Community Development District

Dear Chair Ige, Vice Chair Kidani & Members

My name is Sharon Moriwaki. I am a resident of Kaka'ako and president of Kaka'ako United, an organization of concerned citizens who came together when the HCDA began approving major development projects, 11 in the past year, without following the plans and rules that the community adopted in 2011.

We strongly support SB2696, SD1 as an important step to providing needed direction and guidance to the agency responsible for stewarding Kaka'ako to be built right and according to the plan and rules that were developed by the community.

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.

SB2696, SD1 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 "hardship test" standards when granting zoning variances and building modifications.

We agree with the standards required in SB 2696, SD1 as they most adversely affect the district on building form: (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.

To provide further guidance we suggest revisions as provided on the attached document, specifically: (1) guidance regarding adequacy of infrastructure facilities by aligning with national standards; (2) requiring "final" approvals from applicable government agencies (rather than "conditional" approvals which are currently obtained and acted upon even when there is insufficient information to make a determination); and (3) requiring a comprehensive study on the infrastructure capacity to ensure that it meets the needs generated by the additional residents and exacting the necessary impact fees on the developer should improvements be necessary.

Based on the foregoing, we support SB 2696, SD1, and urge your passage of the bill with the suggested revisions. Thank you for the opportunity to testify.

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February 26, 2014

COMMITTEE ON WAYS AND MEANS

Senator David Ige, Chair

Senator Michelle Kidani, Vice Chair

SB 2696 SD1

RELATING TO THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT

Committee Chair and Members;

Hawaii's Thousand Friends, a statewide non-profit organization dedicated to growth that is reasonable and responsible, supports SB 2696 SB SD1 that establishes minimum building heights and spacing, mauka-makai building axes and adequate infrastructure review.

In §206E- Project eligibility review of infrastructure (a) line 10 the word final should be added after obtain to read – *The executive director shall obtain final approval from applicable government agencies regarding the adequacy of infrastructure requirements.*

In the same section a new section should be added to help ensure that there is adequate infrastructure to support the proposed development.

(b) Before approving development projects, the authority shall require comprehensive studies from state and county agencies and departments of and plans for the infrastructure capacity of the sewers, roads, utilities including water and electricity, schools, parks, and other requirements to ensure that they meet the needs generated by the additional number of anticipated residents and, where improvements are needed, the authority shall according impose the necessary impact fees upon the developer.

Section 3. To help prevent the rush to get applications in before a pending deadline this paragraph should be changed to read

This Act does not affect rights and duties that matured, and penalties that were incurred, ~~and proceedings that were begun before its effective date.~~

Thank you for the opportunity to testify in support of these important provisions.

**SB 2696 SD1
RELATING TO THE KAKA'AKO COMMUNITY DEVELOPMENT DISTRICT**

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

FEBRUARY 26, 2014

Chair Ige and Members of the Senate Committee on Ways & Means:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on SB 2696 SD1, “A BILL FOR AN ACT RELATING TO THE KAKA’AKO COMMUNITY DEVELOPMENT DISTRICT.”

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 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. In general, we believe that a regulating governmental land use entity should have the tools necessary to deal with project and property specific issues, while still complying with established rules, plans, goals and policies for the surrounding area. Establishing building requirements in statute without a means for reasonable and appropriate modifications may not be conducive to certain lot sizes and configurations in the Kaka'ako area. We believe that 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.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: bsuzui@msn.com
Subject: Submitted testimony for SB2696 on Feb 26, 2014 09:00AM
Date: Tuesday, February 25, 2014 3:17:25 AM

SB2696

Submitted on: 2/25/2014

Testimony for WAM on Feb 26, 2014 09:00AM in Conference Room 211

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Bryan Suzui | Individual | Support | No |

Comments: I support SB 2696, because it would improve coordination of infrastructure improvements with housing development in Kakaako and Kalaeloa. Good sewers, drainage, water, and roadways are all important features of safe communities. In terms of building design and placement, the limits in this bill are reasonable. The height limit is consistent with height limits for buildings throughout Honolulu. Please pass SB 2696. Thank you for your consideration.

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

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Testimony of

Cara Kimura

Before the Senate Committee on

Economic Development, Government Operations and Housing

Wednesday, February 12, 2014

Senate Bill 2696: Relating to the Hawaii Community Development Authority

My name is Cara Kimura and I am in support of SB2696 and the other bills relating to the Hawaii Community Development Authority 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 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 and plans 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 (Subchapter 4), which only serves to benefit developers, not the Kakaako community and those who need true affordable housing. Please also note, as written, Workforce Housing rules also do not require any owner-occupancy or restrictions on “flipping,” further benefiting real estate speculators rather than home buyers.

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 SB2696.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: connie.smyth54@gmail.com
Subject: Submitted testimony for SB2696 on Feb 26, 2014 09:00AM
Date: Monday, February 24, 2014 5:37:34 PM

SB2696

Submitted on: 2/24/2014

Testimony for WAM on Feb 26, 2014 09:00AM in Conference Room 211

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

Comments: Comments: I support SB 2696 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

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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To: [WAM Testimony](#)
Cc: eo50@icloud.com
Subject: *Submitted testimony for SB2696 on Feb 26, 2014 09:00AM*
Date: Tuesday, February 25, 2014 7:00:47 AM

SB2696

Submitted on: 2/25/2014

Testimony for WAM on Feb 26, 2014 09:00AM in Conference Room 211

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

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: glennshiroma@hawaiiantel.net
Subject: Submitted testimony for SB2696 on Feb 26, 2014 09:00AM
Date: Monday, February 24, 2014 10:40:42 AM

SB2696

Submitted on: 2/24/2014

Testimony for WAM on Feb 26, 2014 09:00AM in Conference Room 211

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Glenn Shiroma | Individual | Support | No |

Comments: Testimony in STRONG SUPPORT for SB2696 SD1..

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Written Testimony for the
Committee on Ways and Means
Wednesday, 0900 hrs, February 26, 2014
Conference Room 211
Senate Bill 2696 SD 1
Relating to the Kakaako Community Development District (HCDA)

Chairperson Ige, Vice Chair Kidani and Committee Members

Thank you for your time and the opportunity to submit this testimony.

My name is Grace Ishihara and I am a resident of Kakaako.

I support SB 2696 SD 1 for the following reasons, but with personal reservations concerning the effective date:

I think that if this bill is passed and takes effect on 7/1/2050 – it will be too late. That's 36 years from now and I know I won't live to see that date. Kakaako will already be built as the developers want and has planned, and it will be another crowded and congested area like Waikiki or downtown Honolulu. Actually, by 2050 there won't be anywhere you can build anymore in Kakaako! I do not see the rationale of waiting 36 years because these issues won't even matter by then. It seems like it is a total waste of time and effort if something is not done sooner to prevent a disaster on our island of Oahu.

The amendments to fix HCDA's Mauka Area Rules are good rules if they were to be in place from this year – 2014.

- 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 SB 2696 SD1, and to make it effective as soon as possible.

Thank you for the opportunity to submit my testimony.

Grace Ishihara
ue-wale0903@hotmail.com

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: ewabond@gmail.com
Subject: Submitted testimony for SB2696 on Feb 26, 2014 09:00AM
Date: Monday, February 24, 2014 12:50:36 PM

SB2696

Submitted on: 2/24/2014

Testimony for WAM on Feb 26, 2014 09:00AM in Conference Room 211

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| John Bond | Individual | Support | No |

Comments: Kakaakao is turning into a big developer Greed Fest of towering buildings to replicate Hong Kong in Honolulu. Look in the future for a large People's Liberation Navy warship parked out in front. The US Navy's intelligence assessment is that the Chinese military is moving full speed ahead with a confrontation with the US Navy, the Navy of Japan and the navies of neighboring nations in the Pacific. Honolulu's Kakaako developer Greed Fest will absolutely prove what a misguided conjob HCDA and Hawaii State development policy is conducting when the future Pacific naval war erupts and Honolulu becomes a ghost town of tall buildings with owners in the People's Republic of China. China's military is already developing aircraft carriers and ballistic nuclear submarines and have publically boasted how many Americans they will be able to kill in West Coast cities with one strike. China's military has already sworn to take islands from Pacific nations, including Japan. The war is coming. This is who HCDA is marking these tall building's to- America's future enemy. This isn't hype- this is a US Navy intelligence assessment of what is coming. It was put forth in a major US Naval Institute conference just last week by US naval intelligence experts. Bad, bad stupid greedy development policy destined to be a total future disaster for everyone in Honolulu except those who hope to pocket the money and get out fast before the next Pacific war starts.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: leiofaloa@yahoo.com
Subject: Submitted testimony for SB2696 on Feb 26, 2014 09:00AM
Date: Tuesday, February 25, 2014 2:37:33 AM

SB2696

Submitted on: 2/25/2014

Testimony for WAM on Feb 26, 2014 09:00AM in Conference Room 211

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Julie Nishimura | Individual | Support | No |

Comments: I support SB2696, because I agree that infrastructure studies should be done prior to project approvals. I am concerned about the health and safety of the estimated 30,000 new residents projected to be living in the Kakaako area in the near future. Sewers, roads, water, drainage, and community facilities should all be evaluated, because of the very dense development planned for the coming years (at least 35 new residential buildings). Thank you for the opportunity to submit testimony.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: lynnehi@aol.com
Subject: Submitted testimony for SB2696 on Feb 26, 2014 09:00AM
Date: Monday, February 24, 2014 10:12:59 AM

SB2696

Submitted on: 2/24/2014

Testimony for WAM on Feb 26, 2014 09:00AM in Conference Room 211

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

Comments: Comments: This testimony is in strong support of SB2696. 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 common sense development to the area. lynne matusow 60 n. beretania, #1804 honolulu, hi 96817 531-4260

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: ndavlantes@aol.com
Subject: *Submitted testimony for SB2696 on Feb 26, 2014 09:00AM*
Date: Monday, February 24, 2014 10:16:55 AM

SB2696

Submitted on: 2/24/2014

Testimony for WAM on Feb 26, 2014 09:00AM in Conference Room 211

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Nancy Davlantes | Individual | Support | No |

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: rkorph@gmail.com
Subject: Submitted testimony for SB2696 on Feb 26, 2014 09:00AM
Date: Tuesday, February 25, 2014 6:15:35 AM

SB2696

Submitted on: 2/25/2014

Testimony for WAM on Feb 26, 2014 09:00AM in Conference Room 211

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

Comments: Legislating the review process restores public trust into the system. The granting of modifications have been abused by the agency.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: rontthi@gmail.com
Subject: *Submitted testimony for SB2696 on Feb 26, 2014 09:00AM*
Date: Monday, February 24, 2014 2:44:41 PM

SB2696

Submitted on: 2/24/2014

Testimony for WAM on Feb 26, 2014 09:00AM in Conference Room 211

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ronald Taniguchi | Individual | Support | No |

Comments:

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From: [Web Nolan](#)
To: [WAM Testimony](#)
Cc: [Sen. Brickwood Galuteria](#); [Rep. Scott Saiki](#); [carol fukunaga](#)
Subject: *****SPAM***** Testimony for Feb 26 hearing on three bills relating to HCDA
Date: Monday, February 24, 2014 10:45:21 AM

Chairman Ige and members of the Senate Ways and Means Committee:

My name is Webster Nolan, a condo owner/resident in Kakaako for the past 20 years. I also worked in Kakaako in the 1960s and early 1970s, and like many residents and business people in the district, share deep concerns about what our state government is allowing HCDA to do to our neighborhoods.

I strongly support SB2696 SD1, SB2697 SD1 and SB2698 SD1, all of which are modest proposals to realign the actions, rules and decisions of the HCDA to conform to the provisions and intent of the 1975/76 legislation that created the Authority.

Evidence and testimony submitted by concerned citizens of Kakaako to the Authority, the Legislature and Honolulu City Council during the past five months in connection with the "801 South Street, Phase Two" development project, overwhelmingly demonstrates that the Authority has frequently and flagrantly violated state laws and its own rules, as well disregarded common decency, with respect to public participation in the decision-making process, affordability of proposed "workforce" housing, environmental considerations (traffic, sewage, public health and safety, open space), the need for recreational and green areas for a growing population, and the frequently expressed public demand to provide land for an elementary school in Kakaako.

Additionally, the Authority habitually grants substantial exemptions to developers and their financial backers, thereby awarding itself arbitrary powers that blatantly conflict with fundamental and constitutional rights of the citizenry.

The bills under consideration today offer a few small steps toward rectifying these rogue activities. Most Kakaako residents want the area to grow along the lines of the Mauka General Plan, providing more jobs and pleasant living conditions at affordable prices, and we recognize that high property costs and other factors make achieving these goals a serious but certainly not insurmountable challenge. Today, however, the largest obstacle is the Authority itself, and we urgently ask this committee and the full Legislature to approve these bills as a starting point toward getting HCDA back on track.

Thank you for the chance to offer our suggestions for your consideration.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: williamlee244@gmail.com
Subject: *Submitted testimony for SB2696 on Feb 26, 2014 09:00AM*
Date: Tuesday, February 25, 2014 6:26:20 AM

SB2696

Submitted on: 2/25/2014

Testimony for WAM on Feb 26, 2014 09:00AM in Conference Room 211

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

Comments:

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