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Auditor

LEUMA L. LEATUMAUGA
Sergeant-At-Arms

February 12, 2014

Honorable Donovan DeLa Cruz, Chair
Honorable, Vice Chair Sam Slom
Members of the Committee

LATE

RE: SB2696 the Kakaako Community Development Authority

Dear Chair DeLa Cruz, Vice Chair Sam Slom and members of the Committee:

The Kakaako Community Development Authority was created in part to develop the Kakaako area with residential, commercial and mixed business use. As such, the HCDA has performed these tasks exceedingly well in our estimation especially when much of the funding for development and construction is from the private sector. The record shows that the HCDA developed and constructed residential units about twice as many as the state in the same time period. A semi-autonomous organization such as the HCDA with strong leadership and supportive staffing can get things done.

There are several bills that seek to diminish the presence of the HCDA or curtail its operations to the point where it will do nothing. This is unfortunate and will surely have financial and perhaps legal confusion and uncertainty. SB2696 seeks to establish new building restrictions and prohibitions which could be disincentives for developers and investors to Hawaii. Our economy is just beginning to recover; SB2696 signals a reverse in the policy for urban growth in the Kakaako District which could reduce urban sprawl. We request that an investigative committee be created by the Legislature to determine the HCDA performance before HCDA's work is curtailed or stopped.

Thank your for the opportunity to submit this testimony.

Sincerely,

Al Lardizabal
Government Relations

LATE

From: mailinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: autumnrose2010@yahoo.com
Subject: Submitted testimony for SB2696 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 4:40:53 PM

SB2696

Submitted on: 2/11/2014

Testimony for EGH on Feb 12, 2014 15:15PM in Conference Room 016

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

Comments: LOVE that this Establishes 300 feet minimum distance between buildings that are 100 feet or taller, AND Establishes height limit of 400 feet. LOVE that this Requires buildings taller than 100 feet to be oriented on a mauka-makai axis. LOVE that this Prohibits granting any variance, exemption or modification of any rule or development plan relating to maximum floor area ratio. please 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.

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

LATE

The Senate
The Twenty Seventh Legislature
Committee on Economic Development,
Government Operations and Housing
February 12, 2014, 3:15 p.m.
Room 16

Statement of the Hawaii Regional Council of Carpenters on
SB 2696, 2697, and 2698, Relating to Kakaako and to the HCDA

The urban redevelopment purposes of the Hawaii Community Development Authority (HCDA) are of vital importance to our State, and it should continue on its mission. The Bills should be considered with this in mind.

The area under the jurisdiction of the HCDA has been a component of planning for our State's future for many years. Urban core redevelopment, among other types of land uses, was recognized as an essential part of a mature capitol City and a finite island. The State invested hundreds of millions of dollars to upgrade substandard infrastructure, to foster redevelopment of a State resource for people from throughout Hawaii that would work and/or live in compact area made desirable by cultural, service, culinary, recreational and other amenities.

We note that there is HCDA jurisdiction beyond of Kakaako, but that the proposed legislation stems from Kakaako.

- A limit on Floor Area Ratios (FAR) is counter to the benefit of redeveloping an area with compact energy and infrastructure needs that reduce pressure on highways and on other areas of the island. Pricing to make housing affordable depends in part on the number of units that share common costs, and reducing FAR runs counter to affordable housing.
- Requiring a legislative vote of approval for administrative rule changes or development plans is not generally practiced across State government, for good reason.
- Inflexible planning and design restrictions, such as distance between buildings, footprint orientation, heights, etc. foreclose potential "trade-offs" that might provide view planes, added public amenities, lower cost to government, or other currently unknowable possibilities. Existing residential developments in the district are beneficiaries of reasoned design flexibility.
- "Comprehensive studies" for infrastructure capacity, in addition to being of unclear definition, are not justified. Things like sewer hookups still require approval, and obtaining them are the responsibility of the developer. Where landowners have had the scale and resources, HCDA's master plan reviews give a look ahead at potential infrastructure needs, as are small businesses.

- Legislating public engagement is difficult, with notice and procedures more concrete than the effectiveness of an agency's listening. Regarding the agency's explaining why public suggestions are not incorporated, the authority may or may not control an owner's decisions. Others have pointed out the problem in defining "adversely affect", the proposed basis for a contested case.

The legislature is in an understandably difficult position in attempting to examine the HCDA's future, as the State continues to undergo change. The original purposes of guiding mainly private real estate development to benefit our State are still sound, and the legislature should continue to advance those purposes.

Thank you for considering our comments on the four Bills related to Kakaakao, Oahu, and the HDCA.

LATE

From: mailinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: jkobela@flex.com
Subject: *Submitted testimony for SB2696 on Feb 12, 2014 15:15PM*
Date: Tuesday, February 11, 2014 9:23:38 PM

SB2696

Submitted on: 2/11/2014

Testimony for EGH on Feb 12, 2014 15:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
John Kobelansky Jr.	Individual	Support	Yes

Comments:

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Economic Development, Government Operations and Housing (EGH)
Hearing on Feb. 12, 2014 at 3:15 p.m.

Regarding:

SB 2696 – Relating to the Kakaako Community Development District

SB 2697 – Relating to the Hawaii Community Development Authority

SB 2697 – Relating to the Hawaii Community Development Authority

I strongly support Senate Bills 2696, 2697, and 2698. The Kakaako district is an all-too-important part of the urban core, and the HCDA, with its zoning and building height limits and other variances, lack of outdoor recreational spaces, lack of considering community input and public notices, and other actions and inactions, are too numerous to accept.

The HCDA's plans are not even remotely similar to the zoning and building standards of the rest of the city, which the City & County regulates, and is not in keeping with the best use of building density, open space, and view planes, among other concerns, especially infrastructure.

Thank you for considering this testimony.
Carol Hopkins

Senate Committee on Economic Development, Government Operations and Housing
Committee Hearing
February 12, 2014, 3:15 PM
Conference Room 016

Testimony Supporting the Intent of Senate Bill 2696

Aloha Chair Dela Cruz, Vice Chair Slom and Committee Members:

This is to express support for the intent of Senate Bill 2696, with recommended amendments.

The following provisions in Senate Bill 2696 are strongly supported:

- 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.
- Prohibitions. Anything to the contrary notwithstanding, the following is prohibited:
 - (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;
 - (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 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."

Recommended clarifications for the "Project Eligibility Review of Infrastructure" section:

...Developments shall not be approved unless adequate infrastructure facilities, including water, sewer, parks, schools and roads, are or will be made available to fully service the proposed development prior to occupancy as confirmed by comprehensive Honolulu and O'ahu carrying capacity studies independently conducted by the University of Hawaii Environmental Center, with full approval, not conditional approval, documented and received from all applicable governmental agencies regarding the full availability and long-term adequacy of each of the infrastructure requirements for any proposed or planned development within the Kaka'ako district prior to approval of such development.

Additional recommendations for height limitations and building axes:

Building heights and axes. No portion of any building or other structure shall exceed two hundred feet in height, except that no portion of any building or other structure shall exceed one hundred feet in height along the mauka side of Ala Moana Boulevard, and twenty-five feet in height within Kaka'ako Makai from Ala Moana Boulevard to the shoreline. Any building that is at least fifty feet in height shall be oriented on a mauka-makai axis.

These statutory provisions will help ensure protection and preservation of the cultural orientation and significant viewplanes from the open public shoreline to the mountains in accordance with the statutory provision that "Major view planes, view corridors, and other environmental elements such as natural light and prevailing winds, shall be preserved."

Further, it is the City and County of Honolulu, not the radically faltering Hawaii Community Development Authority, that should have planning and zoning jurisdiction over Kaka'ako Mauka and Kaka'ako Makai with the above protective stipulations in the larger public interest. Public planning, zoning and area development functions properly belong closest to the communities affected – at the county level.

Sincerely,

Michelle Matson
Honolulu

Senate Committee on Economic Development, Government Operations and Housing
Committee Hearing
February 12, 2014, 3:15 PM
Conference Room 016

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Sincerely,

Michelle Matson
Honolulu

Testimony of
James Sonny Gay
Before the
Senate Committee on Economic Development, Government Operations
and Housing
Wednesday, February 12, 2014
Senate Bills: 2696, 2697 and 2698.

Chair Donovan M. Dela Cruz and members of the Committee:

My name is James 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 HCDC. 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 have a Professional Certificate in Family History and Genealogy from BYU, Provo, Utah. I'm deeply concerned 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 Hawaiian Royalty. I'm disappointed that I could not get help from HCDA. I support Senate Bills: SB269, 2697 and 2698.

Kindest Aloha

Support Senate Bills re HCDA

I support Senate bills SB2696, SB2697 and SB2698 since all contain some measure of restraint on the Hawaii Community Development Authority (HCDA). HCDA needs to be restrained 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 and makai areas.

I support **SB2696** 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.

I support **SB2697** since it amends procedures of the HCDA to require additional public notice and public input for development projects and rule changes. Establishes additional requirements for development projects before HCDA approval can be granted. Creates appeal process for HCDA actions and decisions.

I support **SB2698** 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.

Provisions of SB2696 are important to have in addition to those of other Senate bills on this subject. 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, the Phase 2 drive 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 SB2696 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.

The following description of HCDA hearings shows why bills SB2697 and 2698 are important.

HCDA has been given authority to make rules, interpret rules, modify rules at will as they go along, and apply those rules with very little public notice or input. Under HCDA rules the executive director retains authority to interpret provisions of those rules as well as to render decisions on development approval applications in almost half of the types of cases and to provide recommendations to the authority for the remainder.

Since HCDA members are volunteers with full-time jobs, and may not have sufficient time to thoroughly review all of the written testimony and court reporter transcriptions of oral testimony presented at the supplemental hearings, one could conclude that authority members rely heavily on the executive director's recommendations.

The timing and setting of HCDA hearings tend to reflect the authority's attitude toward the community for which it was established versus what it is willing to do for developers. The two required hearings on proposed developments are held on weekdays during work hours. At the front of the HCDA hearing room is a long table for authority members with a wing on one side for the Court Reporter and on the other for the developer and his assistant.

Developers who know how the system operates notify their supporters such as staff and potential customers to come early and hold their seats for the entire hearing. There's standing room left for those opposing the development proposal, and some of those have to get back to work before they have a chance to speak.

At the second required hearing, immediately following testimony and usually without discussion by authority members on whatever might have been presented by the community, a vote is taken on the proposed project. One could conclude that a decision on how to vote was made before the hearing. In fact, by that time, one could imagine it might have been made before the first hearing. HCDA hearings are a learning process for the community, but by the time they are held do little good for those who believe they have an array of valid reasons for objecting to a project.

Thank you for the opportunity to comment on proposed legislation.

Mary Caywood

HCDA Hearings

The Hawaii Community Development Authority (HCDA) has been given authority for the Kaka'ako area to make rules, interpret rules, change and modify rules at will as they go along, and apply those rules with very little public notice or input. Under HCDA rules the executive director retains authority to interpret provisions of those rules as well as to render decisions on development approval applications in almost half of the types of cases and to provide recommendations to the authority in the remainder.

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Developers who know how the system operates notify their supporters such as staff and potential customers to come early, give testimony in favor of the project, and hold their seats for the entire hearing. There's standing room left for those opposing the development proposal, and some need to go back to work before they have a chance to speak.

At the second required hearing, immediately following testimony and usually without discussion by authority members on whatever might have been presented by the community, a vote is taken on the proposed project. One could reasonably conclude that a decision on how to vote was made before the hearing. In fact, by that time, one could imagine the decision had probably been made before the first hearing. In a recent case in Kaka'ako, information that surfaced during the HCDA hearing process tends to reinforce that belief.

HCDA hearings are a learning process for the community, but by the time they are held do little good for those who believe they have an array of valid reasons for objecting to a particular project. As development and population increase in Kaka'ako the community needs to be more involved and have its concerns seriously considered. Unfortunately, HCDA's hearings appear to be a sham, conducted only to mollify the community. Much needs to be changed.

Mary Caywood,

Concerned citizen

Testimony before the Senate Committee on Economic Development, Government
Operations and Housing
February 12, 2014, Wednesday, 3:15pm, Conference Room 16

SB 2696, Relating to the Hawaii Community Development Authority.

My name is Louise Black. I have lived in Kaka`ako for the past 15 years. I support SB 2696 as well as Senate Bills 2697 and 2698 relating to the Hawaii Community Development Authority (HCDA).

I am very concerned about what Kakaako is going to look like over the next 20 years. At the current rate that variances and exemptions are being approved by HCDA, Kakaako will end up looking like any other high rise city with walls of concrete and no Hawaiian sense of place.

I strongly agree with the building standards that this bill will establish, and I especially agree with the requirement for review of infrastructure before accepting a project application. Kaka`ako's aging sewer pipes date back to the late 1800s and early 1900s. The May 2009 Final Supplemental Environmental Impact Statement for Mauka Kaka`ako devoted considerable analysis to the question of sewage capacity. It recognized the existing system as inadequate to meet projected needs in 2030, and acknowledged a need for approximately 18,000 feet of additional trunk lines to be installed on a suggested timetable over the next few years. Currently, the City's Department of Environmental Services (ENV) gives a "conditional approval" for a project's request for sewer hook-up. According to the ENV director, "conditional approval" actually means: "Not enough information to make a determination."

HCDA is accountable to no one. HCDA can waive it's own rules. The exceptions have now become the rule and the rules have become the exceptions.

We want HCDA to maintain a proper balance between the "Community" part of their title and the "Development" part. We want a human-scale Kaka'ako as a place to "live, work and play".

I urge you to pass SB 2696.

Mahalo for considering my testimony,

Louise Black

Testimony of
James Sonny Gay
Before the
Senate Committee on Economic Development, Government Operations
and Housing
Wednesday, February 12, 2014
Senate Bills: 2696, 2697 and 2698.

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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 SB2696 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.

The following description of HCDA hearings shows why bills SB2697 and 2698 are important.

HCDA has been given authority to make rules, interpret rules, modify rules at will as they go along, and apply those rules with very little public notice or input. Under HCDA rules the executive director retains authority to interpret provisions of those rules as well as to render decisions on development approval applications in almost half of the types of cases and to provide recommendations to the authority for the remainder.

Since HCDA members are volunteers with full-time jobs, and may not have sufficient time to thoroughly review all of the written testimony and court reporter transcriptions of oral testimony presented at the supplemental hearings, one could conclude that authority members rely heavily on the executive director's recommendations.

The timing and setting of HCDA hearings tend to reflect the authority's attitude toward the community for which it was established versus what it is willing to do for developers. The two required hearings on proposed developments are held on weekdays during work hours. At the front of the HCDA hearing room is a long table for authority members with a wing on one side for the Court Reporter and on the other for the developer and his assistant.

Developers who know how the system operates notify their supporters such as staff and potential customers to come early and hold their seats for the entire hearing. There's standing room left for those opposing the development proposal, and some of those have to get back to work before they have a chance to speak.

At the second required hearing, immediately following testimony and usually without discussion by authority members on whatever might have been presented by the community, a vote is taken on the proposed project. One could conclude that a decision on how to vote was made before the hearing. In fact, by that time, one could imagine it might have been made before the first hearing. HCDA hearings are a learning process for the community, but by the time they are held do little good for those who believe they have an array of valid reasons for objecting to a project.

Thank you for the opportunity to comment on proposed legislation.

Mary Caywood

HCDA Hearings

The Hawaii Community Development Authority (HCDA) has been given authority for the Kaka'ako area to make rules, interpret rules, change and modify rules at will as they go along, and apply those rules with very little public notice or input. Under HCDA rules the executive director retains authority to interpret provisions of those rules as well as to render decisions on development approval applications in almost half of the types of cases and to provide recommendations to the authority in the remainder.

Since HCDA members are volunteers with full-time jobs, and may not have sufficient time to thoroughly review all of the written testimony and court reporter transcriptions of oral testimony presented at the supplemental hearings, one could conclude that authority members rely heavily on the executive director's recommendations.

The timing and setting of HCDA hearings tend to reflect the authority's attitude toward the community for which it was established versus what it is willing to do for developers. The two required hearings on proposed developments are held on weekdays during work hours. At the front of the HCDA hearing room is a long table for authority members with a wing on one side for the court reporter and on the other for the developer and his assistant.

Developers who know how the system operates notify their supporters such as staff and potential customers to come early, give testimony in favor of the project, and hold their seats for the entire hearing. There's standing room left for those opposing the development proposal, and some need to go back to work before they have a chance to speak.

At the second required hearing, immediately following testimony and usually without discussion by authority members on whatever might have been presented by the community, a vote is taken on the proposed project. One could reasonably conclude that a decision on how to vote was made before the hearing. In fact, by that time, one could imagine the decision had probably been made before the first hearing. In a recent case in Kaka'ako, information that surfaced during the HCDA hearing process tends to reinforce that belief.

HCDA hearings are a learning process for the community, but by the time they are held do little good for those who believe they have an array of valid reasons for objecting to a particular project. As development and population increase in Kaka'ako the community needs to be more involved and have its concerns seriously considered. Unfortunately, HCDA's hearings appear to be a sham, conducted only to mollify the community. Much needs to be changed.

Mary Caywood,

Concerned citizen

Testimony before the Senate Committee on Economic Development, Government
Operations and Housing
February 12, 2014, Wednesday, 3:15pm, Conference Room 16

SB 2696. Relating to the Hawaii Community Development Authority.

My name is Louise Black. I have lived in Kaka`ako for the past 15 years. I support SB 2696 as well as Senate Bills 2697 and 2698 relating to the Hawaii Community Development Authority (HCDA).

I am very concerned about what Kakaako is going to look like over the next 20 years. At the current rate that variances and exemptions are being approved by HCDA, Kakaako will end up looking like any other high rise city with walls of concrete and no Hawaiian sense of place.

I strongly agree with the building standards that this bill will establish, and I especially agree with the requirement for review of infrastructure before accepting a project application. Kaka`ako's aging sewer pipes date back to the late 1800s and early 1900s. The May 2009 Final Supplemental Environmental Impact Statement for Mauka Kaka`ako devoted considerable analysis to the question of sewage capacity. It recognized the existing system as inadequate to meet projected needs in 2030, and acknowledged a need for approximately 18,000 feet of additional trunk lines to be installed on a suggested timetable over the next few years. Currently, the City's Department of Environmental Services (ENV) gives a "conditional approval" for a project's request for sewer hook-up. According to the ENV director, "conditional approval" actually means: "Not enough information to make a determination."

HCDA is accountable to no one. HCDA can waive it's own rules. The exceptions have now become the rule and the rules have become the exceptions.

We want HCDA to maintain a proper balance between the "Community" part of their title and the "Development" part. We want a human-scale Kaka'ako as a place to "live, work and play".

I urge you to pass SB 2696.

Mahalo for considering my testimony,

Louise Black