

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2014**

ON THE FOLLOWING MEASURE:

S.B. NO. 2697, S.D. 1, RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Wednesday, February 26, 2014 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): David M. Louie, Attorney General, or
Lori N. Tanigawa, Deputy Attorney General

Chair Ige and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of the bill is to establish an appeal process for persons adversely affected by an action or decision of the Hawaii Community Development Authority (HCDA) and require additional public notice, public input, and studies prior to HCDA approval of development projects.

On page 4, lines 4-8, the bill provides for a new section that provides:

§206E-__ Contested case hearing; judicial review. Any person adversely affected by an action or decision of the authority may file a petition for a contested case hearing on the authority's action or decision. Any contested case hearing shall be held in accordance with chapter 91.

We note that to the extent that section 2 of the bill seeks to give persons the opportunity to voice their opposition to the agency's approval of a proposed development, the agency already conducts two separate public hearings as required by section 206E-5.6, Hawaii Revised Statutes.

We also have several concerns regarding this new section. First, it is unclear what constitutes an "action" that may give rise to a person being able to petition for a contested case hearing. This is problematic because the term "action" is very broad. A broad interpretation would likely lead to frivolous petitions. Thus, we recommend that the term "action" be narrowly defined.

Second, the new section does not provide for a time within which a petition must be filed following the challenged action or decision. The absence of a specific deadline to petition for a

contested case hearing will create confusion and uncertainty. We recommend that a filing deadline of 30 days be imposed, so that finality of the agency's actions can at some point be established.

Third, the title of this new section suggests that it involves both a contested case hearing and judicial review. As written, however, the bill simply provides that a petition for a contested case proceeding may be filed and a contested case hearing shall be conducted. This section does not expressly mention "judicial review." If the reference in the title is to the judicial review provided by section 91-14, HRS, section 91-14 should be expressly referenced. If the intent was for the petition to be filed in Circuit Court, then we do not believe that is the appropriate procedure, as Circuit Courts do not conduct contested case hearings.

Lastly, if the petition is to be filed with HCDA, we believe the more appropriate procedure for such relief would be reconsideration as opposed to instituting a new contested case proceeding. This way, HCDA will clearly have jurisdiction to affirm, modify, or rescind the challenged action or decision. In addition, the party who initiated the proceeding that gave rise to the challenged action or decision will necessarily be a party to the reconsideration hearing – which is important to ensure that the party is accorded the requisite due process before HCDA takes any action on the petition for reconsideration. In addition, if the intent is to ultimately provide for judicial review, this can occur after HCDA has acted upon the petition for reconsideration. Accordingly, if the Committee is inclined to pass this bill, we recommend that the new section on page 4, lines 4-8 be amended as follows:

§206E-__ [~~Contested case hearing~~Reconsideration; judicial review. Any person adversely affected by an action or decision of the authority may file a petition for [~~a contested case hearing on~~ reconsideration within thirty days of the authority's action or decision. [~~Any contested case hearing shall be held in accordance with chapter 91-]~~ Proceedings for judicial review of the authority's final decision on the petition for reconsideration shall be in the same manner as provided for in section 91-14.

In addition, we believe that it is important to clarify that this bill is prospective in nature and does not affect any rights that may have matured or vested prior to the effective date of this bill. Thus, if the Committee is inclined to pass this bill, we recommend that the bill be amended to include a new section which provides:

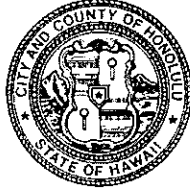
This Act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

We respectfully ask the Committee to consider our comments and recommended amendments.

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
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KIRK CALDWELL
MAYOR



LORI M.K. KAHIKINA, P.E.
DIRECTOR

TIMOTHY A. HOUGHTON
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 14-32

February 24, 2014

The Honorable Senator David Y. Ige, Chair
and Members of the Committee on
Ways and Means
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Ige and Members:

**SUBJECT: Senate Bill 2697, SD1, Relating to the Hawaii
Community Development Authority**

The City and County of Honolulu, Department of Environmental Services (ENV) has significant concerns regarding and opposes that portion of Senate Bill (SB) 2697, SD1, Relating to the Hawaii Community Development Authority, that would, in Section 6 of the Bill, create a new Hawaii Revised Statutes (HRS) Section 206-33(10), which would require the Hawaii Community Development Authority (HCDA), "Before approving development projects, the Authority shall require comprehensive studies of and plans for the infrastructure capacity of the sewers, ... to ensure that they meet the needs of the additional number of anticipated residents, and where improvements are needed, the authority shall accordingly impose the necessary impact fees on the developer."

The City and County of Honolulu is responsible for and provides the wastewater (sewer) service for the Kakaako areas under HCDA. The City and County approves wastewater connection permits and determines the adequacy of the wastewater system to accommodate such additional development. For additional capacity required for a new development on an existing property, the City and County charges developers a Wastewater System Facility Charge established by City Ordinance to account for their impact on the wastewater system. Such a facility charge may be offset by the developers' construction of necessary wastewater system improvements to support their development.

It is not the responsibility of the State or HCDA to determine sewer adequacy or to collect "impact" fees related to wastewater system needs. That portion of the proposed HRS Section 206-33(10), should be removed.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori M.K. Kahikina".

Lori M.K. Kahikina, P.E.
Director



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKA'KO
KALAELOA

Neil Abercrombie
Governor

Brian Lee
Chairperson

Anthony J. H. Ching
Executive Director

461 Cooke Street
Honolulu, Hawaii
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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. 2697, S. D. 1 – RELATING TO THE HAWAII COMMUNITY
DEVELOPMENT AUTHORITY.**

Purpose: Specifies mandatory, statewide redevelopment policies and processes for urban areas to ensure that redevelopment policies serve all of the State's residents.

Position: I provide comments relative to the major elements that are proposed. These comments represent my own position and not that of the Authority as I have not had the opportunity to elicit their thoughts and collective response.

Impossible Standard. Page 4 lines 6 to 10 requires the Authority to engage the community to “that proposed projects do not *adversely* affect the community or its residents or business.” It is impossible to meet this standard without establishing specific/objective performance standards to determine what

constitutes an adverse effect. If the term *adversely* is removed, then the engagement policy reads nearly exactly as it does now.

Page 6 line 20 to 22. “The Authority shall give *serious* consideration to.” Same comment; clarification is needed to understand what “serious” means as there is no objective standard that is established by the proposal to judge the performance of the agency in meeting this standard.

Page 9 line 4 to 5. “Residential development shall provide necessary *and adequate* community facilities *and services* such as *schools*. What does adequate mean? What type of services qualify? How will the residential development provide something that is within the exclusive province of the DOE? Without clarification, does this mean public or private schools? An objective standard needs to be established to judge agency performance. Additionally, this specification should not be in the development plan guidance section, but in a mandate section for clarity.

One Size Does Not Fit All. Strict adoption of the rules would have prohibited the construction of many existing projects, which are currently filled with thousands of Kakaako residents. Royal Capitol Plaza required tower spacing and reserved housing modifications. Similar situations were factors in developing both One Waterfront and Imperial Plaza.

Density Capped at 3.5. With respect to density (FAR) capped at 3.5, I would note that the City BMX (business mixed use) density = 4.0, therefore, this bill would set a lower standard than otherwise prevails throughout the city. The BMX zoning is very similar to the mixed use zoning promulgated by the HCDA. I would also note that a density bonus is only given to encourage/support light industrial use (per legislative instruction) and to support private development of reserved housing (one of the most important priorities for our community). I might also note that the C&C BMX-4 allows for density bonuses for production of greater open space.

Factoring in the available density bonus, in BMX-4 the maximum density can be 7.5 FAR.

Maximum Building Height Set at 400 Feet. The City & County of Honolulu currently sets its maximum height at 450 feet. Additionally, another 18 feet is allowed to accommodate machine room, utility installations and architectural features. At a minimum, the allowance of 18 feet for the above mentioned elements would provide necessary clarity and flexibility.

Contested Case Hearing. While I would defer to the Attorney General's Office to comment on the process that is proposed, I offer the following observations.

- The amendment does not specify a timeframe or deadline for a person to file a petition for contested case hearing. Without clarification, this could open past, present and future actions to litigation.
- The term "authority's action or decision" needs further definition as the scope is not limited to only the Authority's processing of development permit applications.
- The provision only allows for persons *adversely* affected by the action of the Authority. It is my belief that the rules of intervention would allow more broadly, participation by any affected party not already represented at the proceeding.
- It is my belief that participation or intervention by affected parties should be afforded prior to the rendering of a decision. The proposed amendment does not provide this clarification, but instead might be read to allow only appeal of a decision and not participation in the decision making action.
- Contested case proceedings held in accordance with Chapter 91 HRS do not allow the public to provide testimony, but instead limit the participation only to parties with standing. I do not believe that this unintended consequence will foster community engagement by those other than attorneys.

Without extensive clarification, it is my belief that this proposal contains serious flaws and requires rethinking or deferral. Thank you for the opportunity to provide comments on this proposal.

February 26, 2014

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

RE: SB 2697 SD1 – Relating to the Hawaii Community Development Authority – 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 we support transparency and community input. However, we believe there are better ways to address the community’s concerns without making drastic changes to Hawaii Community Development Authority’s (“HCDA”) authority. We oppose SB 2697 SD1 because it establishes additional requirements for development projects, including setting a maximum of 3.5 floor area ratio (“FAR”) for all residential development. This bill infringes on development rights under already 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, 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 2697 SD1 violates this vested development right by imposing a blanket FAR of 3.5. For these reasons, we respectfully urge you to hold SB 2697 SD1. Thank you for the opportunity to testify on this measure.

David Striph
Senior Vice President-Hawaii

Howard Hughes

**SB 2697 SD1
RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY**

**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 2697 SD1, “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 this bill stipulates that the HCDA shall adopt and amend Community Development Plans only as authorized by the Legislature. While we acknowledge that HCDA is the creation of the Legislature, and that the Legislature has oversight over HCDA, we caution that this proposed provision could hamper the overall improvement of Kaka’ako by significantly lengthening the overall HCDA review and

approval process. Economic activity in Kaka’ako is inherently tied to economic and market cycles—the duration of which is unknown and unpredictable. With the Legislature only in Session during a portion of each year, with a significant number of pressing issues to address each Session, land use or area plan approvals for projects may be unduly delayed, potentially missing the economic cycles and therefore effectively ‘shelved’ until the next upturn in the market occurs. These projects may provide various community benefits to Kaka’ako and to the greater community at large, all of which may be delayed or lost as well, as a result of a delayed land use or area plan approval.

We also note that in Section 4, the bill proposes an amendment to require that HCDA adopt community engagement procedures to ensure that the development of proposed buildings do not adversely affect the community or its residents and businesses. We believe that this provision may be overly broad, and provide the opportunity for the recitation of a wide range of perceived adverse impacts, regardless of how small or insignificant, that may be used to deny the approval of a project. We also note that this section requires that all community concerns shall be received, considered, and incorporated into the plans by HCDA. We believe that it is unreasonable to require that all community concerns be essentially adopted by HCDA, notwithstanding their impact to the financial feasibility, design, and operation of the project. We respectfully request the close scrutiny of this, as well as other community engagement amendments proposed in other bills, to ensure that, in the end, there is balanced, reasonable, and meaningful community participation incorporated into the

HCDA process that serves to further the vision of Kaka'ako as a revitalized urban community.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: bsuzui@msn.com
Subject: Submitted testimony for SB2697 on Feb 26, 2014 09:00AM
Date: Tuesday, February 25, 2014 3:22:34 AM

SB2697

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 2697. I support community engagement during development planning. I also agree with impact fees to support the people who are brought in by a new project. Thank you for your consideration.

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Testimony of Cara Kimura
Before the Senate Committee on Ways and Means
Wednesday, February 26, 2014
Senate Bill 2697: Relating to the Hawaii Community Development Authority

My name is Cara Kimura and I am in support of SB2697 and the other bills relating to the Hawaii Community Development Authority (HCDA) before you today.

I have lived in Kakaako for the past 15 years and have lived on Oahu my entire life (45 years). As a lifelong resident of Honolulu, I recognize that many places have lost their former charm and livability, even within my lifetime -- places like Waikiki and Makiki. I do not want Kakaako to become the next victim.

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

Much has been said about the planned development of Kakaako - promises of a walkable neighborhood, a mix of low-, mid- and high-rise buildings, pedestrian-friendly plazas and

bike paths -- a place where residents can live, work and play. Unfortunately, in its fervor to spur development in our district, the Hawaii Community Development Authority (HCDA) has significantly reneged on these promises to make concessions in favor of developers who are just looking to build big profits instead of the real community that we all deserve.

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

HCDA's disregard for public engagement and input is hardly something new -- according to an article written by Richard Borreca in the Star-Bulletin on Nov. 15, 2005:

"At a news conference yesterday at the gateway to the existing Kakaako park, Abercrombie, who opposed the creation of the HCDA nearly 30 years ago, called on the 2006 Legislature to repeal the laws creating the semiautonomous state planning agency.

"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."

Also noted in the article:

"Community members at the Abercrombie news conference yesterday said they felt the HCDA public hearings were held after the authority had already agreed on

the Kakaako plans....'There has been no transparency in the process. We should have been involved,' said Jason Sakai, with the Friends of Kewalo Basin."

Here we are, almost nine years later: the players may have changed, but the game is still the same. It's time for this legislature to do what past ones have not -- make HCDA accountable to the "ordinary, hard-working people of Hawaii." I urge you to pass SB2697.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: connie.smyth54@gmail.com
Subject: Submitted testimony for SB2697 on Feb 26, 2014 09:00AM
Date: Monday, February 24, 2014 5:41:20 PM

SB2697

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: I support SB 2697 because: * If a person is adversely affected by a decision made by HCDA, he or she should be allowed to request a hearing to contest the decision. *HCDA should be more transparent and responsive to community concerns. *HCDA should be made more accountable, with more oversight by legislators. It should not be allowed to change building rules without legislative authorization. This bill will provide state legislators with more notice and more information about proposed projects. *Developers of condos should be required to perform impact studies (just as developers are required to do everywhere else on Oahu) to evaluate sewers, roads, utilities including water and electricity, emergency services, schools, parks, and other infrastructure requirements needed for the additional number of residents. If infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (as is required for developers everywhere else on Oahu.) * There is a growing wall of concrete in Kakaako that is spoiling beautiful public vistas of the last remaining shoreline of urban Honolulu. Buildings in Kakaako should have stricter limits on height and density, more in line with the City's standards. A density limit of 3.5 FAR with height limit of 400 feet is reasonable (although a density limit of 1.5 would be even better

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Date: Tuesday, February 25, 2014 7:01:19 AM

SB2697

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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Cc: glennshiroma@hawaiiantel.net
Subject: Submitted testimony for SB2697 on Feb 26, 2014 09:00AM
Date: Monday, February 24, 2014 10:41:47 AM

SB2697

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 SB2697 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 2697 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 2697 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.

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

- Contested case hearing; judicial review. If a person is adversely affected by a decision made by HCDA, he or she should be allowed to request a hearing to contest the decision. Apparently there is no process written in the rules on how the Authorities will deal with a person or group that contests the HCDA's decision.
- HCDA shall adopt and amend the community development plan only as authorized by the legislature.
- HCDA should be more transparent and responsive to community concerns. I have attended HCDA's hearings and supplemental hearings on 801 South St Tower B. The community's concerns were not heard and they did not provide an adequate response. The Authorities kept trying to shift the responsibilities of traffic and infrastructure studies to the City. When we questioned them about the lack of schooling, they said that they have nothing to do with it and it is the Department of Education's responsibility. At the last HCDA hearing for the 801 South St Tower B, the HCDA Chairman accused a resident of the Royal Capitol Plaza that he was throwing every reason there was on the wall to see which one will stick to delay the project. Is this what the Chairman of HCDA should say to a concerned resident? (Dec 4, 2014 hearing). The HCDA does not post the minutes of the hearings on their website in a timely matter. Frankly, if I knew that they would not listen to the community from the beginning, I would have not expressed my concerns to HCDA. To think that it was all a "shibai" and we were part of it is frustrating and very disappointing.

- HCDA should be made more accountable, with more oversight by legislators. It should not be allowed to change building rules without legislative authorization. This bill will provide state legislators with more notice and more information about proposed projects. I also think that HCDA should not be able to approve variances requested by the developer without legislative authorization.
- Developers of condos should be required to perform impact studies (just as developers are required to do everywhere else on Oahu) to evaluate sewers, roads, utilities including water and electricity, emergency services, schools, parks, and other infrastructure requirements needed for the additional number of residents. If infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (as is required for developers everywhere else on Oahu.)

Again, I support SB 2697 SD 1 and urge the members of the committee to pass this bill with an effective date of this year. The future of Kakaako and Oahu is at the mercy of these “development-happy” Authorities that are appointed by the Governor who is running for re-election. The Unions claim that if they don’t approve all these projects that they won’t have enough construction jobs. The Star-Advertiser published an article on the Feb 8th newspaper that stated they did not have enough construction workers to take the current jobs. What is the big rush?

Thank you for this opportunity to submit my testimony.

Grace Ishihara

ue-wale0903@hotmail.com

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
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Subject: Submitted testimony for SB2697 on Feb 26, 2014 09:00AM
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SB2697

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: Look in the future for a large People's Liberation Navy warship parked out in front in Kakaako. 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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SB2697

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 SB 2697. The communities of Kakaako and Kalaeloa should be notified in a timely manner, whenever local development projects are planned. The communities should also be engaged throughout the planning process. Legislators and city council members who represent the districts should also be kept well-informed. Also, in order to meet the infrastructural needs of the new residents of each project, I agree with the language in this bill regarding impact fees. Without impact fees, Kakaako/Kalaeloa infrastructural improvements will unfairly burden taxpayers all over Oahu. And school improvements in these two areas will unfairly burden taxpayers all over the state. To be fair, developers should pay impact fees, as is required for developers everywhere else in Hawaii. Thank you for the opportunity to submit testimony.

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SB2697

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: I strongly support this bill. The community has been ignored by the HCDA, which seems to let developers ride roughshod over the process and the creation of a vibrant livable community. If only the HCDA followed the procedures of the City and County of Honolulu, if only it held public hearings in the evenings and on weekends when those interested in testifying would be able to attend, it only it would hold more than one real public hearing on a topic (it holds supplemental meetings but only staff are present). I don't know if the HCDA is son of, mother of, or some stanic relative of the now defunct PLDC, but it must be reformed and this bill is an important first step in making it accountable. 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 SB2697 on Feb 26, 2014 09:00AM*
Date: Monday, February 24, 2014 10:20:24 AM

SB2697

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: ptadaki@hotmail.com
Subject: Submitted testimony for SB2697 on Feb 26, 2014 09:00AM
Date: Tuesday, February 25, 2014 1:44:12 PM

SB2697

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
Paula B Tadaki	Individual	Support	No

Comments: I support this Bill. There needs to be a way HCDA's decisions can be appealed.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: rkorph@gmail.com
Subject: Submitted testimony for SB2697 on Feb 26, 2014 09:00AM
Date: Tuesday, February 25, 2014 6:20:31 AM

SB2697

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: Even till now, HCDA does not engage in a contested case hearing process. Imposing maximum FAR and height limits will prevent modifications that favor the developer at the expense of the community.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: rontthi@gmail.com
Subject: *Submitted testimony for SB2697 on Feb 26, 2014 09:00AM*
Date: Monday, February 24, 2014 2:45:15 PM

SB2697

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, Pharm.D.	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 SB2697 on Feb 26, 2014 09:00AM*
Date: Tuesday, February 25, 2014 6:26:56 AM

SB2697

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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