

SB 2697

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.



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

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING

DATE: Wednesday, February 12, 2014 **TIME:** 3:15 p.m.

LOCATION: State Capitol, Room 16

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

Chair Dela Cruz 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, if the Committee is inclined to pass this bill, 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.

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



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKA'KO
KALAELOA

Neil Abercrombie
Governor

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STATEMENT OF

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

BEFORE THE

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, GOVERNMENT
OPERATIONS AND HOUSING

ON

Wednesday, February 12, 2014

3:15 P.M.

State Capitol, Conference Room 016

in consideration of

**S. B. 2697 – RELATING TO THE HAWAII COMMUNITY
DEVELOPMENT AUTHORITY.**

Purpose: Establishes contested case hearing, judicial review process; community engagement and public notice requirements; sets density (FAR) at a maximum of 3.5 and building heights not to exceed 400 feet. The Findings (Section 1) offers that the HCDA has not fulfilled the policies and purposes set out for it by the Legislature.

Position: I am obliged to oppose the proposed findings in Section 1 of the proposal and 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 5 lines 4 to 10 requires the Authority to engage the community to “ensure 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

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

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

Page 8 line 14 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 12 line 2 to 3. “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. 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.



Chamber of Commerce HAWAII

The Voice of Business

Testimony to the Committee on Economic Development, Government Operations and Housing

Wednesday, February 12, 2014 at 3:15 P.M.
Conference Room 016

RE: SENATE BILLS NO: 2696, 2697 and 2698 RELATING TO THE HAWAII COMMUNITY DEVELOPMENT CORPORATION

Chair Dela Cruz, Vice Chair Slom, and members of the committee:

The Chamber provides the following comments on all three bills which propose 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 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.



Chamber of Commerce HAWAII

The Voice of Business

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.



KAMEHAMEHA SCHOOLS

February 11, 2014

WRITTEN TESTIMONY TO THE
SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS
AND HOUSING

By
Walter F. Thoemmes
Kamehameha Schools

Hearing Date: February 12, 2014
3:15 p.m. Conference Room 16

To: Senator Donovan M. Dela Cruz, Chair
Senator Sam Slom, Vice Chair
Members of the Senate Committee on Economic Development, Government Operations and Housing

RE: **Comments for Senate Bill Nos. 2696, 2697 and 2698 Relating to the Kakaako Community Development District and the Hawaii Community Development Authority (collectively, the "Bills")**

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

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

These values (and the current Master Plan) were developed in concert with extensive stakeholder meetings and workshops with representatives from the Kaka'ako Improvement Association, the Kaka'ako Neighborhood Board, Enterprise Honolulu and the Hawaii Community Development Authority ("HCDA") solicitation and input over the last ten years. The parties understood that developing an urban village involves substantially more than creating new building structures and constructing residential housing. It requires a commitment to the community and providing the types of urban-island lifestyle

Senator Donovan M. Dela Cruz, Chair
Senator Sam Slom, Vice Chair
Members of the Senate Committee on Economic Development, Government Operations and Housing
Testimony relating to Senate Bill Nos. 2696, 2697 and 2698 Relating to the Kakaako Community
Development District and the Hawaii Community Development Authority
February 11, 2014
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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 the opportunity to comment on KS' Master Plan. HCDA took formal action to ensure public input on the plan including (1) mailing almost 12,000 flyers to persons on its "Connections" list, (2) posting the Master Plan on its website, (3) inviting comments from the public through an on-line site and a telephone comment line, (4) holding a community meeting for additional public input, (5) working with KS to address public comments, (6) conducting a contested case hearing (noticed and open to the public), and (7) holding a public hearing for final decision making.

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

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

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

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

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

UNITE HERE!

LOCAL 5 HAWAII

Eric Gill, Financial Secretary-Treasurer

Hernando Ramos Tan, President

Godfrey Maeshiro, Senior Vice-President

February 12, 2014

Sen. Donovan Dela Cruz, Chair
Sen. Sam Slom, Vice Chair
Members of the Committee on Economic Development, Government Operations and Housing

Re: **Testimony in support of SB2697 and SB2698**

Chair Dela Cruz and Committee Members:

UNITE HERE, Local 5 represents over 10,000 workers in the hotel, restaurant and health care industries in Hawai'i.

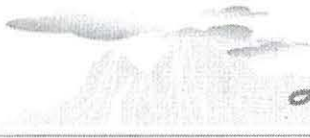
We support SB2697 and SB2698 because we feel that now is a crucial time for our community to seriously consider the direction we are going. Many of the land use regulations, permitting processes and especially public input processes in place have essentially been made ineffective by an eagerness to promote new development without consideration of the real impacts.

We want to fix how development is done to make sure the right projects get developed. We should choose projects that benefit Hawaii's residents now and 20 years down the road. We need to take a hard look at how HCDA works, and it is our hope that Senate Bills 2697 and 2698 will be a means for us to do that together.

SB2697 and SB2698 would increase the public input processes and the impact of public input on HCDA's planning and decision-making. We feel that the measures proposed here are good planning principles which should be adopted, not just for the HCDA, but for all state agencies with discretionary powers over development projects.

For these reasons, we stand in support of **SB2697 and SB2698.**

That said, Local 5 has no position on the proposals in Section 6 of each bill to limit density to a maximum of 3.5 floor area ratio, with building heights not to exceed 400 feet.



Hawaii's Thousand Friends

25 Malumu Ave., Suite 102, PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@lava.net

February 12, 2014

COMMITTEE ON ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING

Senator Donovan Dela Cruz, Chair
Senator Sam Slom, Vice Chair

SB 2697 & SB 2698

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Committee Chair Dela Cruz and Members;

*2697X?
2.*

Hawaii's Thousand Friends (HTF) supports the intent of SB 2676 and SB 2698.

HTF appreciates that both bills create a much-needed contested case appeal process, which neither HCDA nor the State Office of Planning, the accepting agency for Special Management Area Permits applications within a community development district, currently have.

When a Special Management Area Permit (SMA) was appealed to the Office of Planning we found that OP does not have rules governing a contested case but relies on Chapter 91 – Administrative Procedure.

Residents were given 10 days, an arbitrary number, after a SMA Permit was issued in which to ask for a contested case in writing. There was no defined process or timeline as to when requested information was due or would be acted on. A process was made up along the way making it impossible to put on a credible case.

Wording prohibiting the sale of public lands in Kaka'ako Mauka and Makai and residential development in Kaka'ako Makai should be added.

One of HCDAs tasked is to develop small harbors so Kewalo Basin Harbor is under assault for development of the surrounding fast lands while Howard Hughes Corporation is bidding for management of the submerged lands, which is beyond their area of expertise.

Language should be added that protects Kewalo Basin Harbor as a working harbor so that it does not become a haven for yachts owned by people living across Ala Moana Blvd. in the luxury condos.



TO: Senator Donovan M. Dela Cruz, Chair
Senator Sam Slom, Vice Chair
Committee on Economic Development, Government Operations and Housing

FROM: Kiersten Faulkner, Executive Director
Historic Hawaii Foundation

Committee: Wednesday, February 12, 2014
3:15 p.m.
Conference Room 16

RE: **SB 2697, Relating to the Hawai'i Community Development Authority**

On behalf of Historic Hawaii Foundation (HHF), I am writing **in support for SB 2697**. The bill amends procedures of the Hawai'i Community Development Authority (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; and creates an appeal process for HCDA actions and decisions.

Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF's 850 members and numerous additional supporters work to preserve Hawaii's unique architectural and cultural heritage and believe that historic preservation is an important element in the present and future quality of life, economic viability and environmental sustainability of the state.

HCDA's areas of jurisdiction include many sites of historic, cultural, architectural, archaeological and artistic significance. These resources provide a connection between past, present and future generations that live, work, and experience the districts of Kaka'ako, Kalaeloa, and He'eia.

SB 2697 is one of a suite of bills introduced related to HCDA's planning and implementation for development in these districts. The bills recognize that there is strong and growing community concern that HCDA's practice has been to approve projects that are not consistent with either the areas' master plans or the governing rules, and that HCDA consistently approves projects by granting numerous waivers or exemptions. HCDA's failure to adhere to historic preservation standards and rules is among the community concerns.

The bill is an effort to ensure a more consistent application of the rules and implementation of the master plans, to provide greater opportunities for public engagement, and to provide accountability from HCDA. We agree that there is a need for greater clarity, consistency and accountability. Therefore, HHF supports SB 2697. In particular, HHF believes that a viable appeals process is needed to hold HCDA accountable for its decisions and actions. HHF also strongly supports the requirement for meaningful community information and engagement.

Thank you for the opportunity to comment.

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

February 8, 2014

Honorable Donovan Dela Cruz, Chair
Honorable Sam Slom, Vice Chair
Senate Committee on Economic Development, Government Operations and Housing

RE: SB 2697 – Relating to the Hawaii Community Development Authority – IN OPPOSITION
Hawaii State Capitol, Rm. 016; 3:15 PM

Aloha Chair Dela Cruz, Vice Chair Slom 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 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 violates this vested development right by imposing a blanket FAR of 3.5. For these reasons, we respectfully urge you to hold SB 2697. Thank you for the opportunity to testify on this measure.

David Striph
Senior Vice President-Hawaii



Testimony of Cindy McMillan
The Pacific Resource Partnership

Senate Committee on Economic Development, Government Operations and Housing
Senator Donovan Dela Cruz, Chair
Senator Sam Slom, Vice Chair

SB 2697 – Relating to the Hawaii Community Development Authority
Wednesday, February 12, 2014
3:15 PM
Conference Room 016

Dear Chair Dela Cruz, Vice Chair Slom and members of the committee,

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

PRP offers the following comments on SB 2697, which 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, and creates an appeal process for HCDA actions and decisions.

PRP believes that revitalizing our urban areas can allow us to find a balance between permitted growth and the preservation of the natural environment, culture, local identity and quality of life. The transformation of Kakaako is underway, and the community is engaged in a vigorous debate about its future.

Our comments on some of the provisions of SB 2697 follow:

- If there is to be a contested case process, consider requiring any person wishing to intervene to file a petition before the hearings are conducted. This will ensure that the perspectives of all parties are appropriately considered prior to decision making.
- Legislative oversight of the community development plan seems to defeat the purpose of the Authority.
- Posting project information on the HCDA website, as is the current practice, gives community members who are unable to attend meetings a good way to be involved in the process.
- Height and density are factors that contribute directly to cost per unit.

February 12, 2014

Testimony Providing Comments on SB 2697 Relating to the Hawaii Community Development Authority

Page 2

- We caution against adding requirements for duplicative studies that will not add substantive information to the decision-making process.
- Additional reporting measures should be feasible and reasonable.
- Unnecessarily prolonging the process and delaying projects adds to the cost and will make housing even more expensive.

Mahalo for the opportunity to present our comments on this issue.

February 11, 2014

The Honorable Donovan Dela Cruz, Chair
The Honorable Sam Slom, Vice Chair
and Members
Committee on Economic Development,
Government Operations and Housing
Hawai'i State Senate
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: Opposition to SB2697

Dear Chair Dela Cruz, Vice Chair Slom, and members of the committee:

The Hawai'i Construction Alliance is opposed to SB2697, which seeks to amend procedures of the HCDA to require additional public notice and public input for development projects and rule changes, establish additional requirements for development projects before HCDA approval can be granted, and create an appeal process for HCDA actions and decisions.

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Hawai'i Masons Union, Local 1 and Local 630; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local Union No. 3. Together, the four member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the four basic crafts of Hawai'i's construction industry.

The four unions of the Hawai'i Construction Alliance have been strong advocates for the development of a vibrant, mixed-use community in Kaka'ako. Over the next several years, Kaka'ako will grow to include housing that local residents can afford, support good-paying jobs, and host amenities for the general public to enjoy. Hundreds of our members are currently at work on projects within the Kaka'ako area, and we are proud to be a part of the transformation of Kaka'ako into a place where people can live, work, play, and raise families.

In order for Kaka'ako to proceed with responsible growth, stakeholders must feel confident in the public hearing process, a goal which we philosophically support. We defer to the agency on matters relating to accepting additional public testimony, responding orally to all concerns raised by the public, and explaining in detail the merits or drawbacks of proposed modifications.

From a larger perspective, we would also question whether the expectation of an on-the-spot oral response is appropriate for a public meeting involving technical urban planning matters.

We are extremely concerned with several of the other onerous provisions contained within SB2697, as they may make it very difficult, if not impossible, to proceed with the goal of transforming Kaka'ako into a place where the next generation of local residents can live, work, play, and raise families.

For example, the provisions calling for contested case hearings for any person "adversely affected" (a term for which no definition is provided) and for the legislature to approve amendments to area plans introduce arbitrary legislative and judicial roadblocks to the process of creating a vibrant community in Kaka'ako.

Additionally, the provisions limiting maximum floor area ratio may slow the delivery of affordable workforce housing, as height and floor area are a factor that contribute to cost per housing unit.

We are also concerned about the provision which permanently restricts building height to 400', as many of the already-permitted buildings include 18' of necessary mechanical apparatuses on their rooftops. A sudden change in height regulations may lead to uncertainty on whether these current projects are allowed to proceed. Furthermore, at some point in the future, taller buildings may be found necessary or desirable by urban planners and other stakeholders, considering that we do live on an island with limited space.

Finally, we are concerned with the provision of the bill which calls for comprehensive studies of and plans for infrastructure capacity and other requirements. Duplicative studies may delay needed projects without adding substantial information to the decision-making process.

Thank you for the opportunity to provide these comments in opposition to SB2697.

Mahalo,



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

Testimony in Strong Support for SB 2697

THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2014

COMMITTEE ON ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING Senator Donovan M. Dela Cruz, Chair
Senator Sam Slom, Vice Chair
Rosalyn H. Baker, Laura H. Thielen, Glenn Wakai, Suzanne Chun Oakland & J. Kalani English

DATE: Wednesday, February 12, 2014
TIME: 3:15p.m.
PLACE: Conference Room 16
State Capitol
415 South Beretania Street

Aloha Chair Donovan Dela Cruz, Vice Chair Sam Slom,
Senator Rosalyn H. Baker, Senator Laura H. Thielen, Senator Glenn Wakai, Senator Suzanne Chun Oakland &
Senator J. Kalani English:

Please accept this testimony in Strong Support of **SB 2697 – Relating to the Hawaii Community Development Authority** by amending the procedures of the HCDA to require additional public notices for more public input of 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.

The HCDA Hearing and Decision is less than desirable. The board was changed from 13 members to 9 members in 2011. However, when the Kaka’ako small business member was transitioned out the vacancy lasted a few years. Then in April 2013, the Cultural Specialist board member was not extended and that position had remained vacant. During most of 2013 when the bulk of the condominium projects were reviewed, there were only 7 board members and missing was a Kaka’ako Small Business member and a Cultural Specialist.

There is also concern about the accountability of the board that consists of 4 ex-officio department leaders. However, they often absent and a staff representative usually attend the hearings. But are these representatives able to autonomously make the critical decisions? Are they empowered to oppose the position of his supervisor?

Another concern is that the HCDA Executive director who gives a summary and his recommendation to the board is also the hearings officer. There are time when he is clearly in conflict when items in his reports are challenged he becomes defensive.

Information for many agenda items for decision making at board meetings are not disclosed at community briefings and much of the information in the HCDA website has been taken down. Public private leases agreements are not disclosed to the public. The executive director usually says that ‘I will not disclose information until the board is informed.’

This is where I believe the bidding process would seem to be more transparent than exclusive negotiations and public private partnership.

I Strong Support of SB 2697.

Respectfully,

Wayne Takamine

Kaka'ako Makai Community Planning Advisory Council (CPAC)

Honolulu

Malama Makaha

February 9, 2014

TO: Senate Committee on Economic Development, Government Operations and Housing

SUBJECT: Testimony in Support of SB 2697

Dear Committee Members,

Malama Makaha supports SB 2697 with the following caveats:

HCDA has created, modified and even failed to follow their own rules because there is no oversight over their actions. Malama Makaha suggests the clearer language of SB 2697 on requiring HCDA to submit any amendments and justification to the legislature and only upon 2/3 vote on a concurrent resolution can the plan or rules be adopted.

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

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

Mahalo Nui Loa,



Al Frenzel

Malama Makaha

84-933 Alahele St.
Waianae, HI 96792
(808) 343-4916

February 9, 2014

TO: Senate Committee on Economic Development, Government Operations and Housing

SUBJECT: Testimony in Support of SB 2697

Dear Committee Members,

I support SB 2697 with the following caveats:

HCDA has created, modified and even failed to follow their own rules because there is no oversight over their actions. Malama Makaha suggests the clearer language of SB 2697 on requiring HCDA to submit any amendments and justification to the legislature and only upon 2/3 vote on a concurrent resolution can the plan or rules be adopted.

HCDA does not now work with the community or area legislators or councilpersons to ensure project developments follow the plan and rules and do not adversely affect community residents. SB 2697 fixes this-- HCDA must give notice and needed information to legislators, district council members and community residents so they can meaningfully participate; and report to legislators and district council members on each project, including their responses on how they incorporated community concerns, before they approve a project.

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

Mahalo Nui Loa,



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

From: mailinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: gqm@biahawaii.org
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 9:22:01 PM

SB2697

Submitted on: 2/10/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Quinto Marrone	BIA-Hawaii	Comments Only	No

Comments: Please see attached testimony on SB 2696, 2697, and 2698.

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

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

FEBRUARY 12, 2014

Chair Dela Cruz and Members of the Senate Committee on Economic Development,
Government Operations & Housing:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on SB 2697, "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 continued discussion and 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.

Thomas Lee Travis

RR 2 Box 3317

Pahoa, Hi 96778

email: ttravis12@mac.com

mobile: (757) 639-7364

Testimony on Senate Bill 2697

Members of Economic Development, Government Operations and Housing:

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

Although justification for economic reasons might be made, it is wrong headed for State government to bypass local desires, direction, and planning. Communities should be given full voice and control of their cultural, social, and environmental visions for the future. The State of Hawaii should not preempt the local decision making, but instead should champion it. Emphasis on reestablishing local initiative serves several very important purposes:

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

Although passage of Senate Bill 2697 will not fully restore the needed local influence, it is a step in the right direction. I strongly urge you to support this bill.

From: mailinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: evalaviva@gmail.com
Subject: *Submitted testimony for SB2697 on Feb 12, 2014 15:15PM*
Date: Friday, February 07, 2014 12:27:41 PM

SB2697

Submitted on: 2/7/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Eva Gallegos	Individual	Support	Yes

Comments:

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

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From: mailinglist@capitol.hawaii.gov
To: EGHTestimony
Cc: aycockburr@aol.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 8:08:21 AM

SB2697

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
Virginia Aycock	Individual	Support	No

Comments: I support the bill. I also ask that you add an amendment requiring that HCDA adhere to its zoning requirements and open up to the community for review any zoning changes, for the following reasons: A&B's "The Collection," proposed for 600 Ala Moana Blvd, is to be predominantly residential with only about 2% commercial. Yet that lot (the old CompUSA site) is zoned MUZ-C (Mixed-use Commercial). HCDA's own zoning rules state: The primary emphasis within this zone shall be to develop a predominantly commercial multi-storied area which will provide much needed jobs and other employment opportunities for the residents. §15-22-31 MUZ-C:(1). I understand this to be HCDA's current interpretation of MUZ-C (mixed-use -- Commercial zoning): "HCDA claimed that the MUZ-C zoning intends to produce but does not mandate predominantly commercial projects, by specifying a maximum amount of commercial use but no minimum." This interpretation is faulty and has several problems. 1) That HCDA can approve a project of 90% or more residential in MUZ-C "because there is no minimum requirement on Commercial" is ludicrous. The HCDA rule calls for "predominantly commercial," so by comparison there is a minimum definition: commercial's minimum cannot be less than, but must exceed, the next predominant usage in the MUZ-C zoning classification. 2) The community did not have the opportunity to weigh in on what has constituted a major change in zoning (A&B's The Collection, for example). 3) Would HCDA do the reverse without community involvement? Would they allow building 90% commercial in a mixed-use residential (MUZ-R) zone? HCDA's application of their MUZ-C zoning rule constitutes a major change in zoning classification. Would the community stand for 90% commercial in an MUZ-R zone? This, likewise, needs to be opened up to the community before such a change can take place.

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From: mailinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: ralpheburr@aol.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Friday, February 07, 2014 12:47:34 PM

SB2697

Submitted on: 2/7/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Ralph E. Burr	Individual	Support	No

Comments: I support this bill.

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
Sharon Moriwaki
Before the

Senate Committee on Economic Development, Government Operations & Housing
Wednesday, February 12, 2014, 3:15 p.m., Conference Room 016

In Support of SB 2697 and SB 2698, Relating to the Hawaii Community Development Authority

Chairperson Dela Cruz, Vice Chair Slom and Members:

My name is Sharon Moriwaki, a resident of Kaka'ako and president of Kaka'ako United, a group of citizens who came together because of our serious concerns about the future of Kaka'ako and, in particular, the agency that we believed was not fulfilling its stewardship of Kaka'ako's 600 acres. We therefore strongly support SB 2697 and SB 2698, which we hope will fix these problems.

The Hawaii Community Development Agency (HCDA) is governed by a broad statute—chapter 206E, HRS—passed 37 years ago to create a well-planned, mixed density, mixed income, mixed use community in downtown Honolulu.

In 2011, after years of community meetings and input, HCDA approved the Kaka'ako Mauka Area Plan and Rules and the Vision and Guiding Principles for Kaka'ako Makai. Last year, those of us who live, work and visit Kaka'ako realized that HCDA was using the broad discretion of its governing statute to break the trust we had that it would "serve the highest needs and aspirations of Hawaii's people."

In 2013, HCDA approved 11 projects, almost entirely in line with developers' interests and disregarding community concerns, it granted variances without meeting the city's stringent "hardship test" and approved projects that allowed developers to build denser, higher, and closer between buildings as well as violated the mauka-makai view planes contrary to the operative plans and rules.

SB 2697 and SB 2698 will correct these violations of public trust, curb HCDA's overly broad discretion so that it (1) follows the law on public notice and community engagement in working with developers to implement the plans and rules currently in place; (2) provides clear procedures for citizens to contest HCDA decisions; and (3) implements explicit guidance on buildings, including maximum limits on height (400 feet), density (3.5 floor area ratio), requires necessary and adequate infrastructure, including schools, and imposing impact fees on developers for the additional loads they bring to Kaka'ako.

The two bills are similar but each has preferable passages I suggest be incorporated into one bill as follows:

(1) Section 3. Section 206E-5 on community development plan adoption and amendment:
2698, Section 3 at pages 2-3 provides clearer directives for legislative oversight therefore add the following language: "(f) The authority may amend...and the justification therefor." to SB 2697, Section 3 at page 3, after the 5th line: "(f).....only as authorized by the legislature."

(2) Section 5. Section 206E-5.6 on community engagement:
Section 5 of SB 2697 provides more explicit directives to the agency that has consistently reported that it engages the public yet makes no effort to address concerns of community residents and businesses. Public hearings are held only during the morning on weekdays when most residents cannot attend and while the Authority holds public hearings it is primarily to hear from the developer, its staff, and their

supporters while residents' comments are received but not considered; in fact, the Authority members present vote unanimously to approve project modifications and projects.

(3) Section 6. Section 206E-33 on community development guidance policies:

Section 6 of SB 2697 requires the HCDA to direct residential developments to provide the necessary and adequate community facilities...such as schools, which they do not now include in their planning.

We strongly support the other provisions in the two bills. We urge your consideration and passage of SB2697 as herein amended.

Thank you for the opportunity to testify.

Testimony of
Sharon Moriwaki
Before the

Senate Committee on Economic Development , Government Operations & Housing
Wednesday, February 12, 2014, 3:15 p.m., Conference Room 016

In Support of SB 2697 and SB 2698, Relating to the Hawaii Community Development Authority

Chairperson Dela Cruz, Vice Chair Slom and Members:

My name is Sharon Moriwaki, a resident of Kaka'ako and president of Kaka'ako United, a group of citizens who came together because of our serious concerns about the future of Kaka'ako and, in particular, the agency that we believed was not fulfilling its stewardship of Kaka'ako's 600 acres. We therefore strongly support SB 2697 and SB 2698, which we hope will fix these problems.

The Hawaii Community Development Agency (HCDA) is governed by a broad statute –chapter 206E, HRS—passed 37 years ago to create a well-planned, mixed density, mixed income, mixed use community in downtown Honolulu.

In 2011, after years of community meetings and input, HCDA approved the Kaka'ako Mauka Area Plan and Rules and the Vision and Guiding Principles for Kaka'ako Makai. Last year, those of us who live, work and visit Kaka'ako realized that HCDA was using the broad discretion of its governing statute to break the trust we had that it would “serve the highest needs and aspirations of Hawaii's people.”

In 2013, HCDA approved 11 projects, almost entirely in line with developers' interests and disregarding community concerns, it granted variances without meeting the city's stringent “hardship test” and approved projects that allowed developers to build denser, higher, and closer between buildings as well as violated the mauka-makai view planes contrary to the operative plans and rules.

SB 2697 and SB 2698 will correct these violations of public trust, curb HCDA's overly broad discretion so that it (1) follows the law on public notice and community engagement in working with developers to implement the plans and rules currently in place; (2) provides clear procedures for citizens to contest HCDA decisions; and (3) implements explicit guidance on buildings, including maximum limits on height (400 feet), density (3.5 floor area ratio), requires necessary and adequate infrastructure, including schools, and imposing impact fees on developers for the additional loads they bring to Kaka'ako.

The two bills are similar but each has preferable passages I suggest be incorporated into one bill as follows:

(1) Section 3. Section 206E-5 on community development plan adoption and amendment:

Section 3 of SB 2698, provides clearer directives for legislative oversight therefore add the following language: “(f) The authority may amend...and the justification therefor.” to SB 2697, Section 3 at page 3, after the 5th line: “(f).....only as authorized by the legislature.”

(2) Section 5. Section 206E-5.6 on community engagement:

Section 5 of SB 2697 provides more explicit directives to the agency that has consistently reported that it engages the public yet makes no effort to address concerns of community residents and businesses. Public hearings are held only during the morning on weekdays when most residents cannot attend and while the Authority holds public hearings it is primarily to hear from the developer, its staff, and their

supporters while residents' comments are received but not considered; in fact, the Authority members present vote unanimously to approve project modifications and projects.

(3) Section 6. Section 206E-33 on community development guidance policies:

Section 6 of SB 2697 requires the HCDA to direct residential developments to provide the necessary and adequate community facilities...such as schools, which they do not now include in their planning.

We strongly support the other provisions in the two bills. We urge your consideration and passage of SB2697 as herein amended.

Thank you for the opportunity to testify.

**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 2697 and Senate Bill 2698 Combined

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

This is to express support for the intent of Senate Bills 2697 and 2698 combined, with recommended amendments.

Summary of SB 2697 and SB 2698 Together

(with recommended additions underscored)

- Ensures that community development plans and projects shall be adopted and amended by the public open meeting process and community consensus, with adoption subject to 2/3 concurrence of the Legislature.
- Ensures community engagement and full public notice with comprehensive information and accountability to the community through community-based planning and comprehensive communications, and a complete report to the Legislature.
- Incorporates planning and development guidelines that include preservation and protection of viewplanes, historic and cultural sites, and existing Kewalo Basin and Central Kaka'ako small business uses.
- Incorporates the Kaka 'ako Special District and Primary Urban Center Development Plan of the City and County of Honolulu, and the adopted community-based Kaka'ako Makai Master Plan Vision and Guiding Principles.
- Ensures a contested case appeal process for agency actions and decisions.
- Effective date is upon approval.

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, together with those incorporated in SB 2696, in the larger public interest. Public planning, zoning and area development functions properly belong closest to the communities affected – at the county level.

THE SENATE
TWENTY-SEVENTH LEGISLATURE, 2014
STATE OF HAWAII

S.B. NO. 2697
2698

A BILL FOR AN ACT

SB 2697 Contested case hearing; judicial review. Any person adversely affected by an action or decision of the authority city and county may file a petition for a contested case hearing on the authority's city and county's action or decision. Any contested case hearing shall be held in accordance with chapter 91."

SB 2698 Adopted community development plan. The authority city and county [may] shall adopt and may amend the community development plan as may be necessary by community consensus. Amendments shall be made in accordance with chapter 91[-]; provided that no amendment to the operative Kakaako community development district mauka and makai area plans established and adopted in 2011, and their attendant rules, shall take effect without the prior approval of the legislature by a concurrent resolution submitted by the authority city and county and adopted by each house by at least a two-thirds majority vote of the members to which that house is entitled.

The authority city and county shall include in the concurrent resolution the proposed amendments and the justification therefor."

SB 2697 Community engagement and public notice requirements; informative and timely posting on the authority's city and county's website; required. (a) The authority city and county shall adopt community engagement and public notice procedures pursuant to chapter 91 that shall include at a minimum:

(1) A means to effectively consistently engage the community in which the authority is planning a [development] community-based development plans and projects to ensure that community needs, desires and concerns are received [and], considered and incorporated into the plans for the and projects by the authority city and county. [+] The city and county through shall working with residents and landowners in the community in which the development plan and a-projects is are proposed to be located to ensure that the area plan and rules are followed and that proposed projects compliment and benefit the community and do not adversely affect the community or its residents or businesses;

2) The posting of the ~~authority's~~ city and county's proposed plans for development of community development districts, including plans for redevelopment projects, which shall include details of any proposed projects as well as public hearing notices[7] and minutes of its proceedings on the authority's city and county's website; provided that the authority- city and county shall mail copies of all documents required by this paragraph to property owners and residents of the affected community upon request; and

(3) Any other information that the public may [~~find useful~~] request so that it may meaningfully participate in the authority's city and county's decision-making processes.

(b) [~~The~~] Upon receipt of any new development proposal, the authority city and county shall notify the president of the senate [and], speaker of the house[+], and all members of the legislature and the appropriate city or county council members who represent the district in which the proposed project is to be located, and shall transmit to them:

(1) A copy of the project proposal and application;

(2) A copy of the proposed project's environmental assessment or environmental impact statement, which may be provided electronically in portable document format form;

(3) The recommendations of the authority city and county based on community consensus regarding the proposed project;

(4) [~~1~~] ~~Of~~ Notice of any public hearing upon posting of the hearing notice; and

[~~2~~] ~~With a~~ (5) At least two weeks prior to a decision-making hearing on the proposed project, a report detailing the public's [~~reaction at the public hearing, within one week after the hearing.~~] comments on the proposed project and the authority's city and county's response to any concerns raised about the proposed project at a public hearing on the proposed project or in written testimony submitted within one week after the public hearing."

Public hearing for decision-making; separate hearing required. (a)

When rendering a decision regarding:

(1) An amendment to any of the ~~authority's~~ city and county's community development rules established pursuant to chapter 91 and section 206E-7; or

(2) The acceptance of a developer's proposal to develop lands under the ~~authority's~~ city and county's control,

the ~~authority~~ city and county shall render its decision at a public hearing separate from the hearing that the proposal under paragraph (1) or (2) was presented.

(b) The ~~authority~~ city and county shall issue a public notice in accordance with section 1-28.5 and post the notice on its website; provided that the decision-making hearing shall not occur earlier than five business days after the notice is posted. Prior to rendering a decision, the ~~authority~~ city and county shall [~~provide the general public with the opportunity to testify~~] take additional public testimony at its decision-making hearing.

(c) The ~~authority~~ city and county shall notify the president of the senate [~~and~~], speaker of the house[+], and all members of the legislature and the appropriate city or county council member who represents the district in which the proposed project is to be located:

(1) Of any public hearing upon posting of the hearing notice; and

(2) With a report [~~detailing the public's reaction at the public hearing, within one week after the hearing.~~] that conforms to the requirements of section 206E-5.5(b)(5).

(d) The ~~authority~~ city and county shall give serious consideration to and shall respond orally to all concerns raised by the public at the decision-making hearing before the ~~authority~~ city and county makes a decision. If suggested modifications raised prior to the decision-making hearing by community members impacted by a proposed project are not incorporated into the ~~authority's~~ city and county's decision to approve the project, the ~~authority~~ city and county shall explain in detail, both in writing and orally, the reasons why those modifications have not been incorporated before issuing a decision to approve the project."

Kakaako community development district; development guidance policies.

The following shall be the development guidance policies generally governing the ~~authority's~~ city and county's action in the Kakaako community development district:

- (1) Development shall result in a community which permits an appropriate land mixture of residential, commercial, industrial, and other uses. In view of the innovative nature of the mixed use approach, urban design policies should be established to provide guidelines for the public and private sectors in the proper development of this district; while the ~~authority's~~ city and county's development responsibilities apply only to the area within the district, the ~~authority~~ city and county may engage in any studies or coordinative activities permitted in this chapter which affect areas lying outside the district, where the ~~authority~~ city and county in its discretion decides that those activities are necessary to implement the intent of this chapter. The studies or coordinative activities shall be limited to facility systems, resident and industrial relocation, and other activities with the counties and appropriate state agencies. The ~~authority~~ city and county may engage in construction activities outside of the district; provided that such construction relates to infrastructure development or residential or business relocation activities; provided further, notwithstanding section 206E-7, that such construction shall comply with the general plan, development plan, ordinances, and rules of the county in which the district is located;
- (2) Existing and future industrial uses shall be permitted and encouraged in appropriate locations within the district. No plan or implementation strategy shall prevent continued existing activity ~~or redevelopment~~ of industrial and commercial uses, including Kewalo Basin and Central Kaka'ako small businesses ~~which meet reasonable performance standards~~;

- (3) Activities shall be located so as to provide primary reliance on public transportation, bicycle and pedestrian facilities for internal circulation within the district or designated subareas;
- (4) Major view planes, view corridors, and other environmental elements such as natural light and prevailing winds, shall be preserved through necessary regulation and comprehensive design review that includes the consulted community, and shall be compatible with the Honolulu Primary Urban Center Development Plan;
- (5) Redevelopment of the district shall be compatible with plans and special districts established for the Hawaii Capital District, the Kakaako Special District, the adopted community-based Kaka'ako Makai Master Plan Vision and Guiding Principles, and other areas surrounding the Kakaako district;
- (6) Historic sites and culturally significant facilities, settings, or locations shall be preserved;
- (7) Land use activities within the district, where compatible, shall to the greatest possible extent be mixed horizontally, that is, within blocks or other land areas, and vertically, as integral units of multi-purpose structures;
- (8) Residential development [may] shall require a mixture of densities[7] not to exceed a maximum of 3-5-1.5 floor area ratio, building types, building heights not to exceed four two hundred feet, and configurations in accordance with appropriate and compatible urban design guidelines with a cultural Hawaiian sense of place; integration both vertically and horizontally of residents of varying incomes, ages, and family groups; and an increased supply of housing for residents of low- or moderate-income may be required as a condition of redevelopment in residential use. Residential development shall provide necessary and adequate community facilities[7] and services, such as

schools, open space, parks, community meeting places, child care centers, and other services, within and adjacent to residential development;

(9) Public facilities within the district shall be planned, located, and developed so as to support the redevelopment policies for the district established by this chapter and plans and rules adopted pursuant to it[-];

(10) Before approving development projects, the ~~authority city and county~~ shall require comprehensive studies of and plans for the capacity of the sewers, roads, water, utilities, emergency services, schools, parks, and other infrastructure requirements to ensure that the infrastructure meets the needs generated by the additional number of anticipated residents and, where improvements are needed, the ~~authority city and county~~ shall impose the necessary impact fees upon the developer."

Sincerely,

Michelle Matson
Honolulu

Testimony of
Ann L. Miller
Before the EGH Committee
Senator Donovan M. Dela Cruz, Chair
Senator Sam Slom, Vice Chair
Wednesday, Feb. 12, 2014, 3:15 p.m., Conference Room 16

In Support of SB 2696, 2697 and 2698

Relating to the Hawaii Community Development Authority

My name is Ann Miller and I have been a resident of Kaka'ako for 22 years. I support SB 2696, 2697 and 2698 because all address continuing frustration we have about what HCDA is doing and how it ignores people who live, work, play and enjoy Kaka'ako, and those who want to see Kaka'ako thrive.

The rash of HCDA approvals recently have come without serious regard to input from the community surrounding these projects and often based only on "conditional approvals" by the city for infrastructure. Our constant sewer problems have continued, there are no public schools available for our young children and traffic is a disaster — now.

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

We support sensible growth and want to make it easier for working people, like us, to become our neighbors and live, work and play in Kaka'ako. The HCDA clearly does not. Its lack of transparency and community engagement and its willingness to break its own rules and move on without concern about sewers, traffic, roads, water, utilities, emergency services, green space and, especially, schools has left us utterly frustrated.

The HCDA has repeatedly ignored its own vision built over 37 years and any sense of place in a historic area with so much potential. It was created to serve those living, working and using Kaka'ako and those who want to join us as neighbors. If it cannot perform that very basic function, something needs to change. If it cannot follow its own rules — instead offering constant variances and exemptions for height, density, distance between buildings and alignment with little regard for truly affordable housing — it must be shut down and put back together again with a renewed sense of purpose and vision.

Please support the Kaka'ako community. We want a living, working, thriving community that is affordable to the working people of Hawaii. SB 2696 2697 and 2698 will force the HCDA to follow the guidelines set forth by the legislature in 1975. I strongly urge you to pass these bills.

Thank you for the opportunity to testify.

Ann L. Miller
mpthalm1@hawaiiantel.net

Testimony of
Michael Korman
Before the
Senate EGH Committee
Senate Bill 2697
Relating to the Hawaii Community Development Authority

Dear Committee Chairperson

My name is Michael Korman, and as a local citizen very concerned about Kaka'ako, I urge you to support Senate Bill 2697, as well as Senate Bills 2696 and 2698.

I am providing this written testimony because I am extremely concerned about the future landscape of Kaka'ako in terms of how high the buildings will be, how close together, and how large they will be relative to their foot print on the ground.

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

HCDA has created, modified and even failed to follow their own rules because there is no oversight over their actions. SB2698 requires HCDA to adopt and amend the plan only when authorized by the legislature. I suggest the clearer language of SB2698 on requiring HCDA to submit any amendments and justification to the legislature and only upon 2/3 vote on a concurrent resolution can the plan or rules be adopted.

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

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

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

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

HCDA does not now work with the community or area legislators or councilpersons to ensure project developments follow the plan and rules and do not adversely affect community residents. SB2697 fixes this problem by requiring HCDA to give notice and needed information to legislators, district councilmembers and community residents so they can meaningfully participate; and report to legislators and district councilmembers on each project, including their responses on how they incorporated community concerns, before they approve a project.

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

I enthusiastically urge you to pass SB2697 to protect Kaka'ako and its residents for many generations to come. Thank you very much for your consideration.

Michael Korman

February 11, 2014

Testimony of
Cara Kimura

Before the Senate Committee on

Economic Development, Government Operations and Housing

Wednesday, February 12, 2014, 3:15 pm

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 regarding 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: EGHTestimony
Cc: athurston@hmt.org
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 2:08:40 PM

SB2697

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
Anne Thurston	Individual	Support	No

Comments: Please enact this bill.

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Cc: daigoro@hawaii.rr.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Friday, February 07, 2014 8:52:26 PM

SB2697

Submitted on: 2/7/2014

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

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

Comments: Mahalo for your time. I live in Kakaako and have been directly impacted by the development process and HCDA. One of my biggest concerns is that the entire process for the development of Kakaako is so skewed in favor of the developers and BIG money. When projects are announced by HCDA, we citizens living in Kakaako are usually blind-sided by the projects and are given about a month or so to provide feedback. We find out about new developments in the newspaper the day HCDA decides to post it. We have no notice from neighborhood boards or any other government agency of upcoming projects. Almost all of us know nothing about the development process, rules, regulations, laws, what is required and not required for projects to be built. The developers have years of planning and strategizing, decades of experience and us citizens have a month to learn all the rules, regulations, laws to become experts on the development process. This is completely unfair and makes me feel like we citizens are not able to be heard. Seems clear to me that this is the developers and HCDA's? strategy to make it easier to push projects through. Announce the project with no prior notice, give the public very little time to respond, overwhelm the public with the amount of time and effort required to adequately respond, and most times people won't make a big fuss because they feel they don't have the time and effort required to fight back. Lucky for us we had a resident that had the time and drive to get the word out about 803 Waimanu project, which help people to get together to see what could be done to oppose the original project. This required so much time and effort by many people to do research about the development process. None of us knew where to start. I'm sure this happens more often than people realize where residents and communities are left to "figure things out" on their own, when the experienced developers know all the rules. What I would like to see is a more transparent and accountable process that allows adequate notification to the community, what our rights are, what the benefits and drawbacks for each new project are, what can we do to help make the project work, etc. Also it is very difficult to attend HCDA hearing when it is during the weekday during working hours. This is another barrier for adequate public input. I can't keep taking days off from work to attend the hearings. All this and more makes it very apparent that HCDA gives preferential treatment to developers and this process needs to change. How can we citizens give adequate input when we don't have the knowledge and time?

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To: [EGHTestimony](#)
Cc: rkorph@gmail.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Sunday, February 09, 2014 9:15:55 AM

SB2697

Submitted on: 2/9/2014

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

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

Comments: The Senate should inquire what impact fees have been levied by HCDA to all the projects they approved to date. Our concerns on adequate infrastructure have been ignored and passed over to other State Departments or the City and County of Honolulu. There is no plan for an elementary school when there should be one. The voting public should have a right to a contested hearing process should disagreement occur. I strongly support SB 2697.

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Cc: eo50@icloud.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Sunday, February 09, 2014 10:23:39 AM

SB2697

Submitted on: 2/9/2014

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

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

Comments: Please combine SB2697 and SB2698. Legislation rather than rules should govern the HCDA. If the process becomes too cumbersome, return Kakaako to the City and County of Honolulu. HCDA has failed to engage the community and ignores our input. They have granted too many modifications where concerns about infrastructure and safety are put aside for the sake of development. Legislative oversight has become a necessity. I support SB 2697.

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To: [EGHTestimony](#)
Cc: connie.smyth54@gmail.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Sunday, February 09, 2014 12:55:55 PM

SB2697

Submitted on: 2/9/2014

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

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, as per my testimony for HB 1863). * I would also recommend a minimum horizontal separation of 300 feet between each building that is more than 100 feet in height.

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Cc: ismyth@hawaiiantel.net
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Sunday, February 09, 2014 1:11:20 PM

SB2697

Submitted on: 2/9/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
isaac smyth	Individual	Comments Only	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, I would also recommend a minimum horizontal separation of 300 feet between each building that is more than 100 feet in height.

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Cc: rontthi@gmail.com
Subject: *Submitted testimony for SB2697 on Feb 12, 2014 15:15PM*
Date: Sunday, February 09, 2014 5:41:28 PM

SB2697

Submitted on: 2/9/2014

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

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

Comments:

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From: [Web Nolan](#)
To: [EGHTestimony](#)
Cc: [Sen. Brickwood Galuteria](#)
Subject: Testimony supporting SB2697 for EGH committee hearing Feb 12, 2014
Date: Monday, February 10, 2014 10:01:11 AM

Testimony by 20-year Kakaako resident Webster K. Nolan in support of SB2697 for Senate EGH Committee hearing on Wednesday February 12, 2014.

I strongly support SB2697 because it responds positively and specifically to a persistent concern among Kakaako residents that the Authority has failed to meet its statutory obligation (HRS Chapter 206E-5.5: Community and public notice requirements) to engage "effectively and meaningfully" with the community in the HCDA decision-making processes.

This bill specifies that, "upon receipt" of any new development proposal, the Authority provide to key State and City legislators copies of the proposal, the project's environmental assessment or impact statement, and the recommendation of the HCDA executive director regarding the project. It further sets a deadline for the Authority to provide these legislators with a report "detailing" the public's comments and the Authority's response about any concerns raised at a public hearing or in written testimony.

Heretofore, concerned residents had no way of knowing if all the Authority's board members had actually heard or read their testimony at public hearings, or whether they discussed the public concerns among themselves, or if, in their decision-making, they were merely endorsing the statements, opinions and recommendations of the executive director. This bill gives at least some assurance that the board members will pay closer attention to the concerns of affected residents because they (the board members) could be called upon individually by the legislature to discuss their votes on specific projects.

In fact, the bill goes even further on this point, by requiring the Authority to respond orally to all concerns raised by the public at the decision-making hearing, and additionally "to explain in detail, both in writing and orally, the reasons why modifications suggested by people affected by the project have not been incorporated into its decision to approve the project."

The decision-making process in the case of the "801 South Street Phase II" projects serves as an example of why residents are deeply concerned about the Authority's behavior. Residents and others raised many questions in public hearings about the claimed affordability of the units, the possibility of speculation and flipping in the sale of the units supposedly dedicated to providing home ownership to Hawaii's "hard working people" (as expressed in two full-page Star-Advertiser ads by the developer), the social impact of having four 40-story condominium buildings with several thousand residents packed together in close proximity, substantial increases in noise and traffic, substantial loss of open space and privacy, and many more issues. The Authority rarely gave clear and complete answers to these matters. SB2697 would remedy this gaping flaw in the decision-making process, and I strongly urge the committee and the legislature to approve it.

Webster Nolan
876 Curtis St. #1005
Honolulu HI 968 13

Ph: 593-1189

From: mallinlist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: williamlee244@gmail.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 10:32:12 AM

SB2697

Submitted on: 2/10/2014

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

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

Comments: If the voting public is adversely affected by a decision made by HCDA, they should have the right to a contested hearing. The HCDA must be more transparent and responsive to the community. I no longer have any trust in the HCDA. I support SB2697

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To: [EGHTestimony](#)
Cc: williamlee244@gmail.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 10:32:12 AM

SB2697

Submitted on: 2/10/2014

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

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

Comments: If the voting public is adversely affected by a decision made by HCDA, they should have the right to a contested hearing. The HCDA must be more transparent and responsive to the community. I no longer have any trust in the HCDA. I support SB2697

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To: EGHTestimony
Cc: suzanne@punapono.com
Subject: *Submitted testimony for SB2697 on Feb 12, 2014 15:15PM*
Date: Monday, February 10, 2014 11:22:49 AM

SB2697

Submitted on: 2/10/2014

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

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

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: lynnehl@aol.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 11:41:23 AM

SB2697

Submitted on: 2/10/2014

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

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

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. lynne matusow 60 n. beretania, #1804 honolulu, hi 96817 531-4260

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To: [EGHTestimony](#)
Cc: paul@punapono.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 1:18:18 PM

SB2697

Submitted on: 2/10/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Kuykendall	Individual	Support	No

Comments: Please support this bill which would ensure the community has a voice in development.

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To: EGHTestimony
Cc: lopekana@hawaii.rr.com
Subject: *Submitted testimony for SB2697 on Feb 12, 2014 15:15PM*
Date: Monday, February 10, 2014 1:56:54 PM

SB2697

Submitted on: 2/10/2014

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

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

Comments:

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To: EGHTestimony
Cc: lindalegrande2243@gmail.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 2:13:02 PM

SB2697

Submitted on: 2/10/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Legrande	Individual	Support	No

Comments: There has been an overwhelming outpouring of public dissent to the haphazard way in which Kaka'ako is being developed. It is being done piecemeal without a good overall plan on how each of these towers impact each other and the whole of the area. Please pass this bill to establish sensitive and sensible building restrictions and prohibitions, and to provide additional public notice, input and requirements. We also need a public appeal process for HCDA actions and decisions and it would be nice if the taxpayers did not have to pay the legal fees incurred for such an appeal . Thank you. Linda Legrande

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To: [EGHTestimony](#)
Cc: ptadaki@hotmail.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 2:18:51 PM

SB2697

Submitted on: 2/10/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Paula B Tadaki	Individual	Support	No

Comments: I strongly support this bill. HCDA should be prohibited from granting any exception to rules regarding the FAR unless approved by the legislators. Any individual adversely affected by HCDA's decisions should be able to file for a contested case hearing.

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Cc: silverpenny10@hotmail.com
Subject: *Submitted testimony for SB2697 on Feb 12, 2014 15:15PM*
Date: Monday, February 10, 2014 2:22:21 PM

SB2697

Submitted on: 2/10/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
penny s	Individual	Support	No

Comments:

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To: [EGHTestimony](#)
Cc: tjsimms2000@hotmail.com
Subject: *Submitted testimony for SB2697 on Feb 12, 2014 15:15PM*
Date: Monday, February 10, 2014 2:24:32 PM

SB2697

Submitted on: 2/10/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
tj simms	Individual	Support	No

Comments:

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Cc: kareen.tanoue@gmail.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 2:40:01 PM

SB2697

Submitted on: 2/10/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Kareen Tanoue	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. They have thus far made it difficult for the community to express their 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, as per my testimony for HB 1863). * I would also recommend a minimum horizontal separation of 300 feet between each building that is more than 100 feet in height.

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Written Testimony for the
Committee on Economic Development, Government Operations and Housing
Wednesday, 1515 hrs, February 12, 2014
Conference Room 16
Senate Bill 2697
Relating to the Hawaii Community Development Authority (HCDA)

Chairperson Dela Cruz, Vice Chair Slom 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 for the following reasons:

- 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 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.)
- I would like "smart urban" development and not "fast" development. Just because the interest rates are low and the demand is high doesn't mean that you must develop at full speed and

From: mailinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: mauibrad@hotmail.com
Subject: *Submitted testimony for SB2697 on Feb 12, 2014 15:15PM*
Date: Monday, February 10, 2014 3:31:15 PM

SB2697

Submitted on: 2/10/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Parsons	Individual	Support	No

Comments:

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Cc: amybugala@yahoo.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 8:22:30 PM

SB2697

Submitted on: 2/10/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Bugala	Individual	Support	No

Comments: ALOHA- 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, medical facilities 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, as per my testimony for HB 1863). I would also recommend a minimum horizontal separation of 300 feet between each building that is more than 100 feet in height.

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To: EGHTestimony
Cc: barb@punapono.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 11:31:24 PM

SB2697

Submitted on: 2/10/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Barb Cuttance	Individual	Support	No

Comments: SB 2697 - RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY Thank you for hearing SB2697. I strongly support this bill. Specifies mandatory, statewide redevelopment policies and processes for urban areas to ensure that redevelopment projects serve all of Hawaii's residents, particularly, by providing sufficient affordable housing and necessary community services while minimizing real estate speculation. Important elements that should NOT be removed Establishes a contested case process. Authorizes only the legislature to adopt community development plans, not the governor-appointed HCDA board. Requires informative and timely posting of public hearing notices and working with residents and landowners in the community in which the proposed project is located. This is to ensure that the area plan and rules are followed and proposed projects do not adversely impact the community, residents or businesses. Requires that all members of the legislature and appropriate city or county council members in a district be notified of the location of a proposed project. Requires HCDA to respond orally to all concerns raised by the public at the decision-making hearing before the board makes a decision. Requires HCDA to respond orally and in writing as to why modifications recommended by residents were not incorporated before approving the project. Requires the same floor area ratio, height limit and infrastructure capacity studies as HB 1860. Please pass this important Bill. Barbara Cuttance 14/266 Papaya Farms Road, Pahoehoe, HI 96778

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Cc: alemorrier@gmail.com
Subject: *Submitted testimony for SB2697 on Feb 12, 2014 15:15PM*
Date: Tuesday, February 11, 2014 12:52:01 AM

SB2697

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
alicia morrier	Individual	Support	No

Comments:

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SB2697 RELATING TO THE HCDA 1) requires HCDA to respond orally to all concerns raised by the public at the decision-making hearing before the board makes a decision 2) requires HCDA to respond orally and in writing as to why modifications recommended by residents were not incorporated before approving the project. Watching the HCDA Board is so frustrating and infuriating. The Board Members appear to be robots with no interest in intelligent resident or public concerns. It always appears like a done deal even before the hearing begins. Never through 2 HCDA executive directors has the HCDA mitigated issues for the public or appeared to be genuinely concerned. The Board shrugs off very real concerns about adequate open space, where the parks will be, and the solution to the sewer odors that plague the area. This bill may not change the rubberstamp Board nor the unfair cast of members, but it will give the public more response than it is getting at present. **I AM strongly in favor of HB 1861.**

Aloha,

Jeremy Lam

2230 Kamehameha Avenue

Honolulu, HI 96822

drjlam@aol.com

From: mailinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: mphaim1@me.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 8:15:36 AM
Attachments: [MHernandez_SenTest.doc](#)

SB2697

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
Martha P. Hernandez	Individual	Support	No

Comments:

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Testimony of

Anna Filler

Before the Senate Committee on Economic Development Government Operations and Housing

Wednesday, February 12, 2014

Senate Bill 2697: Relating to the Hawaii Community Development Authority

Chairperson: Dela Cruz and Members of the Senate Committee on Economic Development
Government Operations and Housing:

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

Thank you for the opportunity to testify on **Senate Bill 2697**. I support SB 2697, and I support SB 2696 and SB 2698 being heard today.

I fully support of SB 2698 to require the Hawaii Community Development Authority be more responsive to the concerns of residents in Kaka'ako. I was present at the hearings for the 803 Waimanu and 801 South Street Tower B affordable housing projects. The approval of building Tower B on South Street in an already overcrowded block with modifications without authority of the Legislature is not acceptable. Buildings in Kaka'ako should be within the City standards. The concerns of the residents were totally ignored and were approved at the final hearings. The modifications requested by the developers were approved by HCDA who should not be allowed to change building rules without legislative authorization. I agree that a minimum distance of 300 feet between buildings that are more than 100 feet tall must be put into law.

I urge you to pass SB 2697 to protect Kaka'ako. Thank you for your time and attention to present my testimony.

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To: [EGHTestimony](#)
Cc: vsc@hawaiiantel.net
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 8:36:28 AM

SB2697

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
Victoria Cannon	Individual	Support	No

Comments: We support this bill. Please amend procedures of HCDA to require additional public notice and input for projects and rule changes. Establish additional requirements for projects before HCDA approval can be granted. Create a public appeal process for HCDA actions and decisions. Victoria and Trudy Cannon

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Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 10:35:11 AM

SB2697

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
Bernard Nunies	Individual	Support	No

Comments: I strongly support SB2697 and other bills that seek to rein in, impose stronger restrictions, and even abolish the HCDA. The HCDA has no appeals process. As a citizen, how do I appeal an HCDA decision without filing a law suit in court? Right now, if we appeal, the appeal is heard by the Executive Director, the very person who's decision we are appealing in the first place! There are currently two projects that are being appealed with no procedure in place. These are developments at The Collection and 801 South Street Tower B. Please support this legislation so that the people have a fair process in which their concerns can be heard.

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Cc: eddiejohnson@yahoo.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 1:05:15 PM

SB2697

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
Eddie Johnson	Individual	Support	Yes

Comments: SB 2697 I am in support of this Bill. However, I ask that the Committees consider the following comments: 1. Contested cases but enormous burden upon individual homeowners. The process needs to be tailored more toward arbitration with an officer outside the HCDA to resolve conflicts. 2. Public Engagement: There should be a 90 public viewing and comment period prior to the first hearing. The development submittal should be detailed enough to address wind, natural, safety and natural light. 3. Infrastructure: The developer should have infrastructures studies (as built surveys) in place prior to the first hearing and submitted with their application in terms of plan for improvement action. Attached are the CCTV stills of Kawaiahao street and Cooke street, where HCDA has approved the 803 Waimanu development...these sewer mains are in complete failure and violate the Clean Water Act. The imposed repair by HCDA to the developer is beyond the scope of the project. Just to note: The executive director unilaterally raised the FAR from 1.5 to 3.5 for this development because, in his opinion, the infrastructure was adequate. 4. Building height, separation and FAR. What is highlighted only suggest maximum and minimum parameters that truly require additional thought. For Example: Section 6 (8) allowing a 3.5 FAR or 400 foot height maximum could be devastating to a smaller development. Considering that adverse affects are subjective and discretionary, the Authority needs more detailed guiding principles on the allowable heights, distances between buildings and FAR. Unfortunately, the Mauka Area Plan and the EIS only offer rudimentary guidelines for proper decision making. That said, new development in Central Kak'ako should at least be no more that 45 feet in height primarily due to site infrastructure and context. 5.HCDA decision making: All HCDA reviews and decisions and permits shall be tied to the Supplemental EIS decision document or a new Supplemental EIS shall be provided for the proposed development. 6. HCDA shall notification to affected residents adjacent to the development 30 days prior to 90 day public comment and review period (strike-"upon request"). 7. I recommend repealing HRS Chapters 217, 218 and 219 as there are numerous first and second order affects by building type, infrastructure, FAR, etc. that need to be discussed.

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From: mailinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: hawaiianryan1977@yahoo.com
Subject: Submitted testimony for SB2697 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 1:20:58 PM

SB2697

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
jesse ryan kawela allen	Individual	Support	No

Comments: Please accept this testimony in Strong Support of SB 2697 – Relating to the Hawaii Community Development Authority by amending the procedures of the HCDA to require additional public notices for more public input of 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. The HCDA was approving permits while operating with two vacant seats, a cultural specialist and a small business owner. this cannot be allowed and the permits should not be legally granted. The HCDA Hearing and Decision process is less than desirable. Another concern is that the HCDA Executive director who gives a summary and his recommendation to the board is also the hearings officer. There are time when he is clearly in conflict when items in his reports are challenged he becomes defensive. This is where I believe the bidding process would seem to be more transparent than exclusive negotiations and public private partnership. I Strongly Support of SB 2697 .

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From: Pam Wood
To: EGHTestimony
Subject: SB 2697 & SB 2698
Date: Sunday, February 09, 2014 2:08:17 PM

Testimony of Pamela Wood

For the Senate Committee on Economic Development, Government Operations and Housing

Wednesday, February 12, 2014 – 3:15 pm – Conference Room 16

Re: Support for SB 2697 & SB 2698

Chair Donovan Dela Cruz and Members of the Senate Committee on Economic Development, Government Operations and Housing:

My name is Pamela Wood. I live in Kakaako. Thank you for giving me the opportunity to testify in support of the above referenced Senate Bills and share my experience of working with the Hawaii Community Development Authority (HCDA). I have lived in Hawaii for 64 years and moved to Kakaako four years ago. I believed HCDA's vision of a vibrant mix-use community, with housing options for Hawaii residents and the opportunity for commercial and industrial businesses to thrive in the Central Kakaako Neighborhood. I believed in the concept of planned neighborhoods where residents could "live, work and play"; where children would have schools; and, open space and parks would be protected. Unfortunately residents have discovered we are at the mercy of HCDA as it interprets its own rules and allows modifications to these rules with no oversight. When I asked HCDA who represents the community, staff replied, "the courts".

I have learned the following during the past year:

1. HCDA meets with developers and sewer permit applications are issued months before the public has any knowledge of the development. The public is given just 30 days to study the plans, rules, laws and to organize a response for the first public hearing.
2. During the first public hearing, the public learns the contents of letters issued by State and City & County agencies, the design review committee's recommendations, and HCDA's staff report. It would be helpful if the public had access to this information in advance. Instead the public hears this information for the first time, has to request copies, and then has 60 days to analyze the information and prepare testimony for the second public hearing.
3. The second public hearing is also the decision making hearing. HCDA presents its recommendation to the board and all required reports, studies, and information are made available to the board. THE PUBLIC HAS NOT SEEN THIS INFORMATION. I asked HCDA staff why this information was not included in the public files and was told it

could not be made available to the public prior to being given to the board (which is the date of the hearing). How can the board make a decision when the public has not been given the opportunity to respond to all available information?

4. Development applications are approved before infrastructure is assured. If developers are not required to pay for the improvements, taxpayers will pay the costs.
5. The Executive Director can unilaterally determine infrastructure is adequate to increase the Central Kakaako Neighborhood FAR from 1.5 to 3.5.
6. The authority has a nine member board. During 2013 the board functioned with seven members, instead of nine. Four of these were department heads in the Governor's cabinet. These four of the seven established a majority.
7. Open space needs to be defined. It appears it means open space within individual developments, not within Kakaako as a whole.
8. HCDA has told us there is no land available within Kakaako Mauka for additional parks; and, we have adequate park space in Kakaako Makai and Ala Moana Beach Park. Now HCDA is considering leasing Kakaako Waterfront Park land for commercial use.
9. There is no room for additional Kakaako elementary school children. Until this fact became public, HCDA did not consider schools a part of the infrastructure.
10. Workforce Housing, Subchapter 4 of Chapter 218 is only two pages long. Yet it allows double density, and HCDA can allow modification to any rules developers request. This makes the Mauka Area Rules and Plans meaningless. My concern is this establishes a precedence. HCDA is proposing a Transient Oriented Development (TOD) overlay to the Mauka Area Rules and Plans. This could completely override the Mauka Area Rules and Plans unless the Legislature takes action now.

This past year has been a frustrating and time consuming experience for Kakaako residents. Now that the Legislature is in session, I look forward to your support in clearly defining the future of Kakaako.

I also support SB 2696 and have submitted separate testimony on this legislation.

Pamela Wood
725 Kapiolani Blvd., #3002

Aloha Chair Dela Cruz, Vice Chair Slom and Economic Development, Government Operations and Housing Members

As an Ewa resident and member of the Kanehili Cultural Hui who has witnessed how HAWAII COMMUNITY DEVELOPMENT AUTHORITY operates in Kalaeloa and how poorly they communicate with the local community and how evasive they are when information about developments is sought, it is very important that they become accountable to the communities and tax-payers.

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

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

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

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

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

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

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

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

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

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

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

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

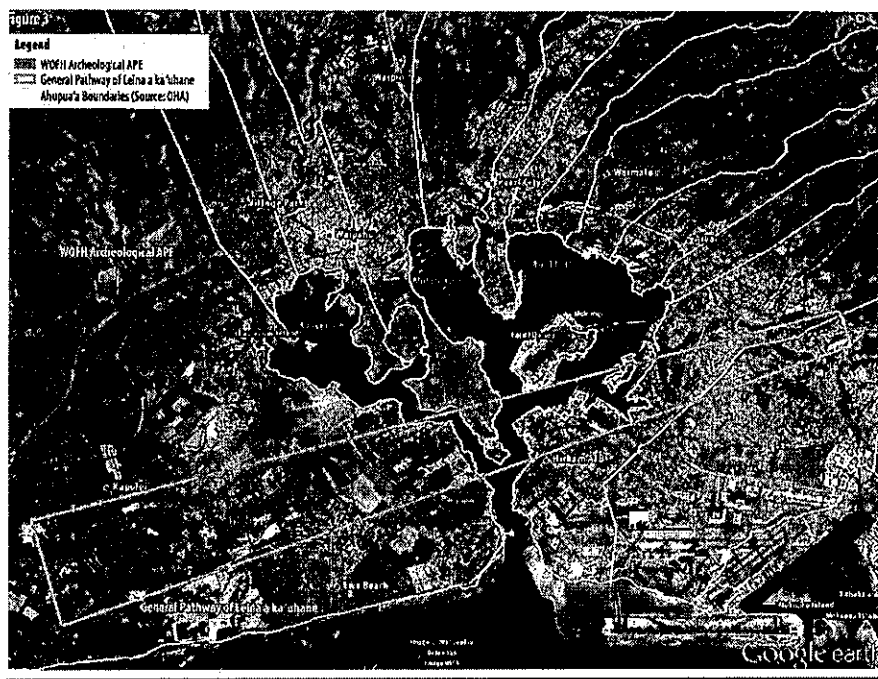
By the way, Kanehili is the ancient Hawaiian name for this area, not "Kalaeloa." Kalaeloa was just another land developer created name, like "Hoopili" is for Honouliuli and "East Kapolei" is for Ewa. It

makes it a lot more easy and convenient to bulldoze historic and cultural areas when they can't be remembered and linked to the past cultural history. At least DHHL did some native Hawaiian research when they named their nearby home development projects Kaupe'a and Kanehili. These are the true local area cultural names according to Hawaiian oral history. Ewa's history is still largely ignored.

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

John Bond, President, Kanehili Cultural Hui

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



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

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

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

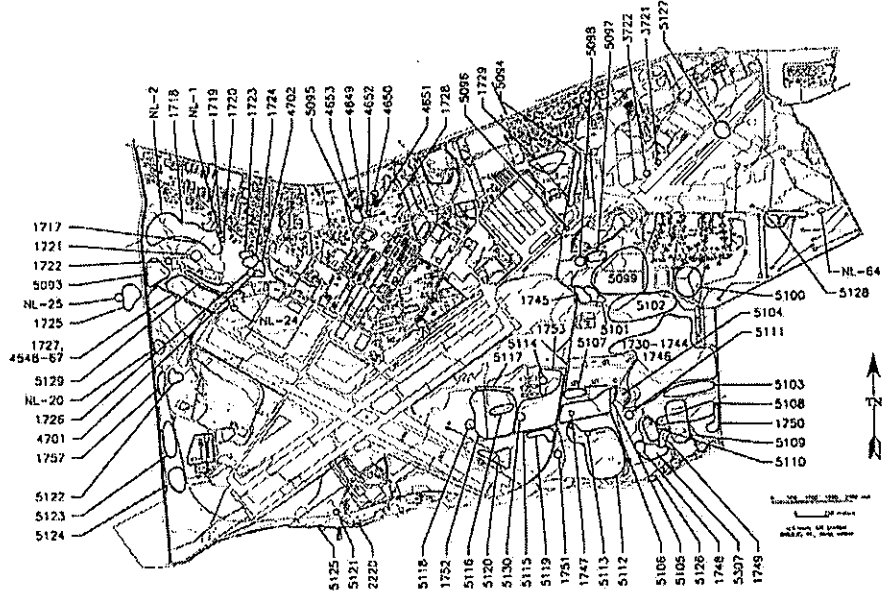
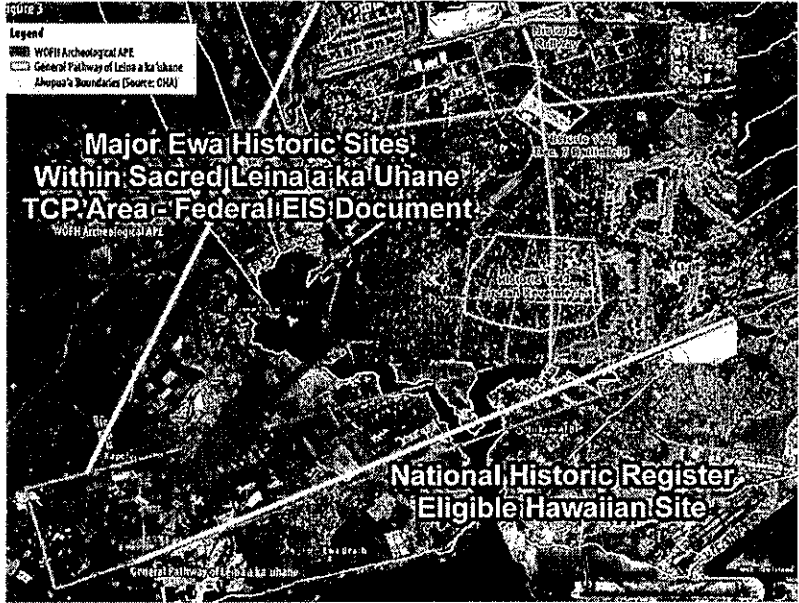
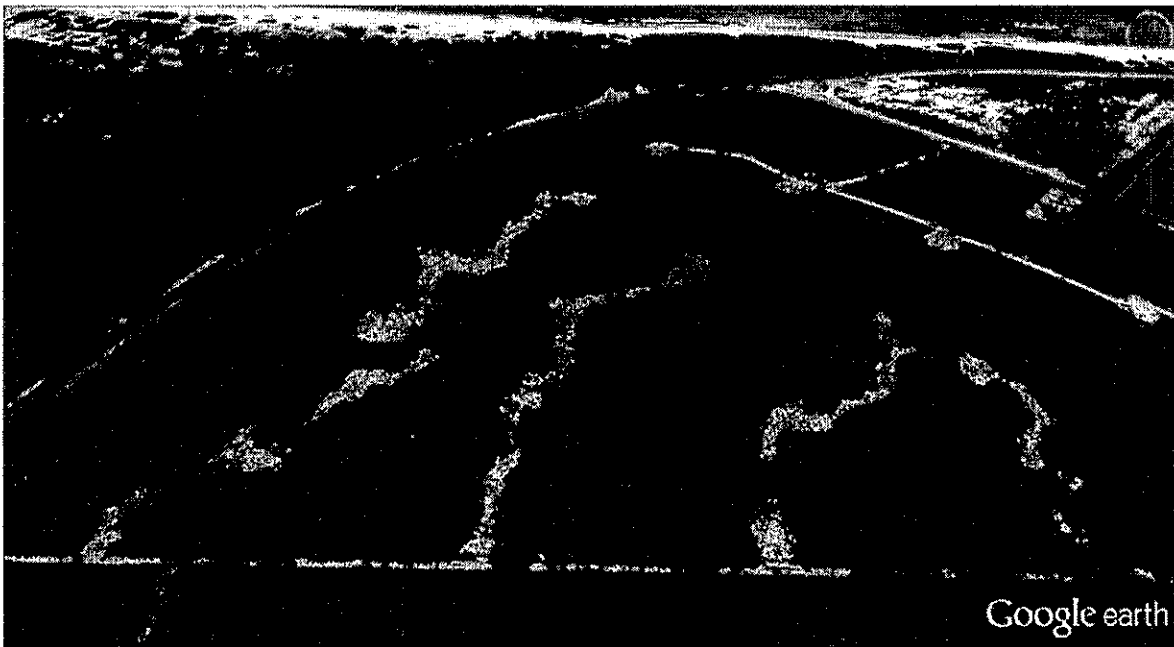


Figure 28. Archaeological and historical sites of NAS Barbers Point.



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

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





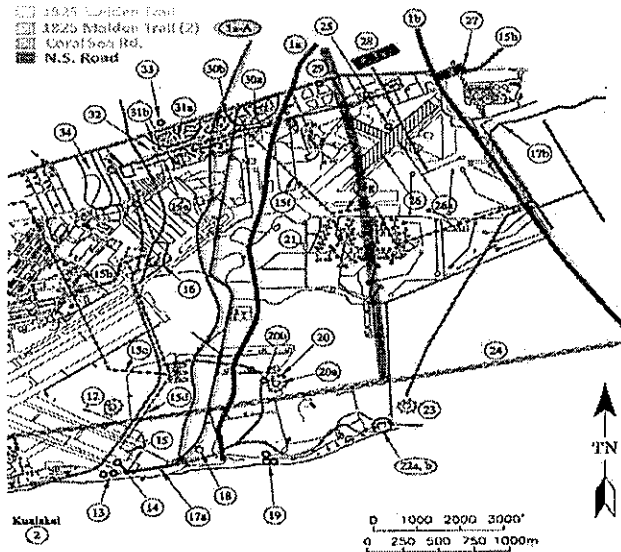
Table 7 presents the Leina a ka 'uhane as a single sacred and storied place, identifying the applicable ahupua'a, theme, National Register criteria, and integrity of relationship and condition.

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

Wahi Pana	Ahupua'a	Theme	National Register A	National Register B	Integrity of Relationships	Integrity of Condition
Leina a ka 'uhane	Hālawā, Moanalua, Waiānu, Waimānoa, Pu'ūloa, Honouliuli	2	Associated with pattern of events – Leaping off place to the spirit world	Associated with the akua Kānehili, Leiclonō, and Milu	TBD	TBD

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

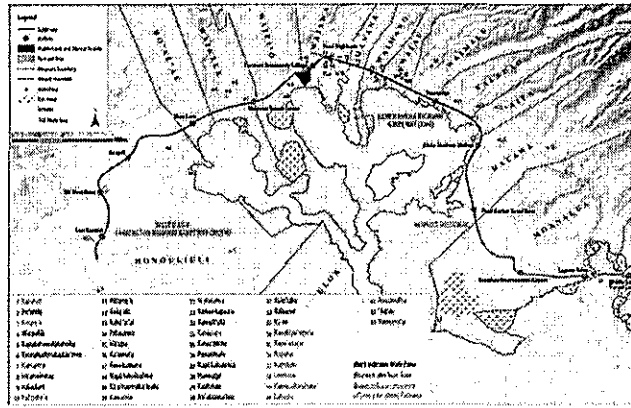
HART EIS 2012 study by Kumupono LLC and SRI, Inc. shows National Register Eligibility for Kanehili Leina



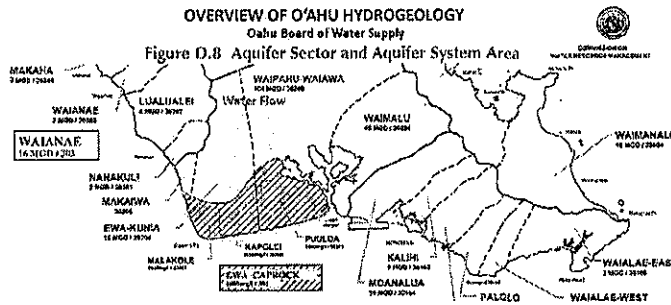
Navy BRAC of NASBP by Tuggles (IARII) shows Kanehili Trails and important sites HCDA wants destroyed.



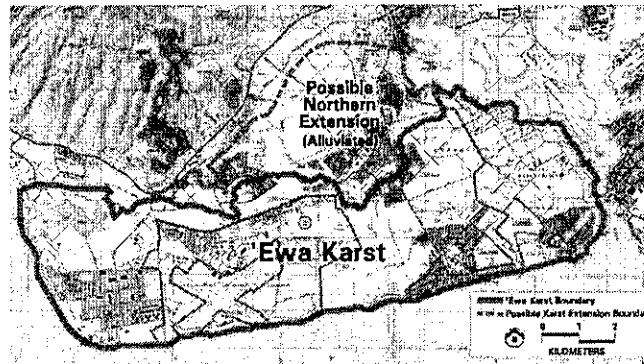
British Royal Navy 1825 Malden Trails map shows ancient Hawaiian Trails in Kanehili, Honouliuli.



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



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



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

