

SB 2698

Amends HCDA public notice requirements and requirements for project approval. Creates an administrative appeal process with available judicial review for HCDA decisions or actions.



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

ON THE FOLLOWING MEASURE:

**S.B. NO. 2698, 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 3, lines 4-8, the bill provides for a new section that provides:

§206E-__ Contested case proceeding; judicial review. Any person adversely affected by an action or decision of the authority may file a petition for a contested case proceeding on the authority's action or decision. A public hearing shall be conducted 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 proceeding and judicial review. As written, however, the bill simply provides that a petition for a contested case proceeding may be filed and a public hearing shall be conducted. Generally, a contested case hearing differs from a public hearing.

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 3, lines 4-8 be amended as follows:

§206E-__ ~~[Contested case proceeding]~~**Reconsideration; judicial review.** Any person adversely affected by an action or decision of the authority may file a petition for ~~[a contested case proceeding on]~~ reconsideration within thirty days of the authority's action or decision. [A public hearing shall be conducted 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



KAKAOKO
KALAELOA

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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. 2698 – RELATING TO THE HAWAII COMMUNITY
DEVELOPMENT AUTHORITY.**

Purpose: Establishes a contested case proceeding process; Requires that no amendment to the Kakaako Community Development Plan and Rules shall take effect without prior approval of the Legislature by concurrent resolution of 2/3 majority of each chamber; and establishes new community engagement and public notice requirements.

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.

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

Have Not Met the Standards for Creating a Mixed Use, Mixed Income

Community. Since its creation, HCDA rules have guided the development of:

- When the current cycle of construction is completed, there will be 6,159 market and 4,295 low/moderate income units in Kakaako. These qualified income low/moderate income units would make up 41% of the total number of units in the entire Kakaako Community Development District.
- Commercial, light industrial, civic and residential units abound in the district, prominently in the Central Kakaako neighborhood.

Has Not Followed the Plan Adopted by the Community and Has Instead Liberally Interpreted the Rules without Transparency. The 2011 Administrative Rules were initiated in 2003, adopted in 2011 and featured the preparation of an Environmental Impact Statement, infrastructure studies, numerous stakeholder/community meetings, public hearings and 3 appearances before the Small Business Regulatory Review Board. These rules are administered strictly by the Authority and require the adoption of specific findings detailing the conformance of each development application with the criteria available in the rules.

Proposed Contested Case Proceeding. The Authority currently administers its development permit process in accordance with the requirements specified by the Legislature in section 5.6 HRS. The proposed process would appear to serve as a venue for an aggrieved party to appeal or seek reconsideration. It is my opinion that any appeal might more logically be directed to the circuit court (per section 91-14 HRS) as this court would represent an objective body to determine the merits of the process conducted by the HCDA and whether the appeal had standing or merit.

Prior Approval of Plan and Rule by 2/3 Majority of Each Chamber. Should the Legislature desire to enact specific restrictions on the ability of the Authority to plan and administer rules, it can more effectively enact statutory restrictions at its pleasure. Given the ability of the HCDA to operate as a corporate instrumentality of the state without requiring continuing legislative appropriations, introducing

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

legislative oversight to shackle its public process is a step back that is not indicated at this time.

New Community Engagement and Public Notice Requirements. The process and notice requirements outlined in the proposal mirror that which is already in place and conducted by the agency. I note that the proposed amendment to section 206E-5.5(1) [Page 4 lines 11-16] establishes a subjective standard in that “it requires any proposed buildings do not **adversely** affect the community or its residents and businesses.” This is not an objective standard that can be achieved.

I note that the proposed section 206E-5.5(2) requires that if requested, a copy of the notices shall be **mailed** to property owners and residents in the affected community. A listing of residents and property owners is not readily available and the cost of mailing such notice may result in over \$10,000 in costs per application for which no appropriation of funds has been made and will not necessarily improve the current system of public notice.

Limit FAR Rather Than Require a Mix of Uses. The Page 8 line 20 change from “may” to “shall” might have unintended consequences as it would require a mix in densities. As I believe that the intention was to limit FAR, this amendment needs to be reworded.

Infrastructure Study. Further clarification is needed as to what constitutes “comprehensive study” and “necessary impact fees”. Is the EIS that has been conducted a comprehensive study and if not, what qualifies? Does the first developer pay for all impact fees and let each successive developer off the hook? As the City & County is typically in charge of setting impact fee levels, placing this mandate with the HCDA might disrupt what the City & County might need from any developer.

Without further clarification, I would ask that the proposal be held. Thank you for the opportunity to provide comment.



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
Page 2

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.

The Pacific Resource
PARTNERSHIP



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 2698 – 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 2698, Relating to Hawaii Community Development Authority (HCDA), which establishes a contested case proceeding process; requires that no amendment to the Kakaako Community Development Plan and rules shall take effect without prior approval of the legislature by concurrent resolution of 2/3 majority of each chamber; and establishes new community engagement and public notice requirements.

Community: A geographic location. A sense of shared values with ones neighbors. A place where good job opportunities offer a way to move up. A place friends hangout. A place where families grow.

This bill addresses the way in which the Kakaako community will grow. PRP recognizes that Hawaii residents have been very clear about the need to find a balance between permitted growth and the preservation of the natural environment, culture, local identity and quality of life.

We are advocates for building integrated communities that allow residents of the community to live, work and play in their neighborhood. We are advocates for housing that people can afford close to good-paying jobs, local parks, restaurants and other services. We are advocates for housing that is near public transit (bus or rail) in communities designed for walking, biking and transit to reduce automobile use and traffic. This development pattern will consume less land overall, lead to fewer vehicle miles traveled, and produce environmental benefits to the community as a whole. This is the kind of community Kakaako can be.

February 12, 2014

Comments Regarding SB 2698 Relating to Hawaii Community Development Authority

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There are tradeoffs. Buildings will be higher than they are in rural areas, and they will be closer together. More people will live in less space. These factors are balanced by the preservation of our natural resources, less time spent commuting, and money saved on fuel, parking and household energy costs. And this community will be lively and engaging, filled with vibrant experiences that draw people of all ages. While not everyone will want to live in this type of urban community, many will, especially when they begin to realize the benefits in a tangible way.

In the process of creating the new Kakaako, there are very real, practical considerations and tensions that must be resolved. We offer these comments regarding specific provisions of the bill:

- 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.
- By requiring a 2/3 majority in both House and Senate to approve area plans and rules, the Authority is effectively prohibited from carrying out its mission when the Legislature is not in session. This is not in the public's best interest.
- 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.
- We caution against adding requirements for duplicative studies that will not add substantive information to the decision-making process.
- Unnecessarily prolonging the process and delaying projects adds to the cost and will make housing even more expensive.

Thank you for the opportunity to provide our comments on this bill.

Hawai'i Construction Alliance

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

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 SB2698

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

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.

SB2698 seeks to amend HCDA public notice requirements and requirements for project approval and create an administrative appeal process with available judicial review for HCDA decisions or actions.

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 note that the bill calls for the posting of HCDA's plans for development onto its website and for the mailing of public hearing notices to interested parties including area legislators. Many of these provisions mirror existing agency practice.

We are extremely concerned with several of the other onerous provisions contained within SB2698, 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 by two-thirds vote introduce arbitrary legislative and judicial roadblocks to the process of creating a vibrant community in Kaka‘ako. Furthermore, 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, 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 that do not add substantial information to the decision-making process may delay needed projects. Furthermore, the requirement that developers pay for infrastructure improvements from which multiple parties will benefit seems unfair and may drive up costs.

Thank you for the opportunity to provide these comments in opposition to SB2698.

Mahalo,

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

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

Testimony in Strong Support for SB 2698

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 Support of **SB 2698**, RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY by strengthening HCDA's public notice requirements and requirements for project approval creating an administrative appeal process with available judicial review for HCDA decisions or actions.

HCDA lacks an appeals process that is comparable to other zoning and planning organizations.

Respectfully,

Wayne Takamine
Kaka'ako Makai Community Planning Advisory Council (CPAC)
Honolulu

SB 2698
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 2698, "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 proposes to require the prior approval of the Legislature by concurrent resolution adopted with 2/3 majority vote for any amendments to the Kaka'ako Community Development District Mauka and Makai Area Plans and their attendant rules. 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 would 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 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.

Malama Makaha

February 9, 2014

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

SUBJECT: Testimony in Support of SB 2698

Dear Committee Members,

Malama Makaha supports SB 2698 and all efforts to curb or abolish the HCDA. The HCDA does not properly represent the communities for which it serves. Its operations and decisions are not transparent nor reflect testimony it has received over the past year; it continues to ignore the will of the people.

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.

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, 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 (as is required for developers everywhere else on Oahu.)

There is a growing wall of concrete in Kaka'ako that is spoiling beautiful public vistas of the last remaining shoreline of urban Honolulu. Buildings in Kaka'ako should have stricter limits on height and density, similar to 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).

Malama Makaha recommends a minimum distance of 300 feet between buildings that are more than 100 feet tall.

Mahalo Nui Loa,



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From: mallinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: glennida@gmail.com
Subject: *Submitted testimony for SB2698 on Feb 12, 2014 15:15PM*
Date: Tuesday, February 11, 2014 1:49:27 PM

SB2698

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
Glenn Ida	Plumbers and Fitters UA Local 675	Oppose	No

Comments:

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To: [EGHTestimony](#)
Cc: evalaviva@gmail.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 3:41:25 PM

SB2698

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
Eva Gallegos	Individual	Support	Yes

Comments: The current process at HCDA does not allow for the public to provide a rebuttal to the findings of HCDA, regardless of their inaccuracies.

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Subject: *Submitted testimony for SB2698 on Feb 12, 2014 15:15PM*
Date: Friday, February 07, 2014 12:29:48 PM

SB2698

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:

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Cc: aycockburr@aol.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 8:15:35 AM

SB2698

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 that would allow citizens to appeal because of any mis-application of the HCDA's zoning rules or any other variance from the rules as defined in HCDA's Rules or (KKMP) Plans.

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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Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Friday, February 07, 2014 12:41:28 PM

SB2698

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
Virginia Aycock	Individual	Support	No

Comments: I support this bill. I don't think it goes quite far enough in restricting HCDA. For example, I would like to see "zoning" categories mentioned specifically, and HCDA required to follow them. Zoning governs types, building heights, FARs, open spaces, etc. The interpretation of "mixed-use commercial" (which calls for "predominantly" commercial/light industry -- up to 62% of same) to mean that 2% may be commercial and 80 or 90% residential is a mis-interpretation and is not applying the rules as they exist. HCDA's interpretation leaves out the intent of the zoning law here; it ignores the requirement that commercial/light industrial must be "predominant." (This speaks to The Collection project.)

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Cc: ralpheburr@aol.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Friday, February 07, 2014 12:46:48 PM

SB2698

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. I recommend that you add that zoning classifications must be strictly adhered to. Thank you for passing it, especially with such an amendment.

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 2698 (and SB 2697), 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 concerns about the future of Kaka'ako and the agency we believe is not fulfilling its stewardship of Kaka'ako's 600 acres. We therefore strongly support SB 2697 and SB 2698, which help fix Kaka'ako development problems.

The Hawaii Community Development Authority (HCDA) is governed by statute –chapter 206E, HRS—passed 37 years ago to create a well-planned, mixed density, mixed income, mixed use community in downtown Honolulu. Last year HCDA approved 11 projects. Doing so in line with developers' interests and disregarding community concerns, it granted variances failing the city's stringent "hardship test" standard. HCDA approved projects that allowed denser, higher, and more-closely-placed buildings, and that violated existing mauka-makai view planes—all contrary to its own plans and rules.

SB 2698 (and SB 2697) will limit such future violations by curbing HCDA's overly broad discretion. HCDA will be required to (1) follow the law on public notice and community engagement with developers while implementing plans and rules currently in place; (2) provide procedures for citizens to contest HCDA decisions; (3) implement explicit guidance on building construction, including maximum limits on height (400 feet), density (3.5 floor area ratio), and (4) insure necessary and adequate infrastructure, including schools, by imposing impact fees on developers for the additional loads they bring to Kaka'ako.

We support development, but in line with the plan and rules that passed through community review in 2011. This plan supports development that builds a community, not a denser and higher wall of condos failing to address infrastructure capacity; a plan never intended to stuff 37 high rises and 30,000 people into Kaka'ako without first ensuring the sewers, roads, parks, schools and other facilities were planned and in place, with costs borne by developers, not state taxpayers.

Let me highlight two specific fixes to the current law provided in SB 2698:

(1) Section 4 re: Section 206E-5.6 on community engagement: Hawai'i benefits from explicit community engagement, as provided in this bill. Under current rules, HCDA isn't addressing community concerns as it modifies plans and disregards zoning rules, unanimously approving project variances and modifications. Required reports to the Legislature only give numbers on who support or oppose the project and append testimonies. HCDA fails to analyze, investigate, or work with developers to address community concerns. We need specific directives in law requiring HCDA is to engage its public.

We recommend the language in a similar bill, SB 2697, Section 4, because it provides explicit directives on how HCDA should engage the public and work with developers to build according to the existing plan and rules, fixing HCDA's current practices of holding public hearings on weekdays when most residents are at work, maintaining a user-unfriendly website, providing a forum primarily to hear from the developer, its staff, and their supporters while residents' comments are ignored regardless of the number or the

severity of concerns raised. We need Section 4 of SB 2697 to fulfill the intent of Chapter 206E--"meet the needs and aspirations of Hawaii's people."

(2) Section 2 re: explicit right to appeal the Authority's decision through a contested case hearing.

Under current practice, an aggrieved community resident does not have the right of appeal of the Authority's decision – a right afforded a citizen before any other government decision-making agency. Citizens need a fair administrative review of HCDA decisions. SB 2698 will clarify and make explicit this right and give clear directions to the HCDA to provide accountability to the public it serves.

We strongly support the intent and provisions with suggested amendments.

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:
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

Anna Filler

Before the Senate Committee on Economic Development Government Operations and Housing

Wednesday, February 12, 2014

Senate Bill 2698: 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 2698**. I support SB 2698 and I support the Senate Bills 2697 and 2696 being heard today.

I fully support of SB 2698 to insure that the Hawaii Community Development Authority be more responsive to the concerns of residents in Kaka'ako. SB 2698 addresses the requirement for HCDA to inform the public before a decision is made. I agree that an administrative appeal process be created for the public's concerns.

I urge you to pass SB 2698 to protect Kaka'ako. Thank you for your time and attention to present my testimony.

**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
Michael Korman
Before the
Senate EGH Committee
Senate Bill 2698
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 2698, as well as Senate Bills 2696 and 2697.

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.

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.

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 SB2698 to protect Kaka'ako and its residents for many generations to come. Thank you very much for your consideration.

Michael Korman

February 11, 2014

Thomas Lee Travis

RR 2 Box 3317

Pahoa, Hi 96778

email: ttravis12@mac.com

mobile: (757) 639-7364

Testimony on Senate Bill 2698

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 2698 will not fully restore the needed local influence, it is a step in the right direction. I strongly urge you to support this bill.

Testimony of
Cara Kimura

Before the Senate Committee on

Economic Development, Government Operations and Housing

Wednesday, February 12, 2014, 3:15 pm

Senate Bill 2698: Relating to the Hawaii Community Development Authority

My name is Cara Kimura and I am in support of SB2698 and the other bills relating to the Hawaii Community Development Authority (HCDA) before you today. I have lived in Kakaako for the past 15 years. In my 20-year career as an architect, I've had the somewhat unenviable experience of working with various state agencies, schools, city agencies and the public. It is through my career that I have truly come to understand the term "public service" and its importance in keeping the State of Hawaii functioning. The common ground I've found in every state or city agency is the strive to be accountable to the public and as transparent as possible. That is, until I encountered HCDA as a Kakaako resident. If every state agency behaved as HCDA did, I cannot imagine – nor do I want to – what living in Hawaii would be like. My remarks herein are made from my own individual experience:

As a state agency, HCDA is tasked with public engagement and input with regards to proposed developments under consideration for approval. Aside from the myriad of problems with HCDA's lack of notification to area residents and businesses about proposed developments that will affect them, it also insists on conducting its public hearings with the full board exclusively during workday hours, when most working residents cannot attend and have their voices heard. Despite legislative requests for additional hearings with the full board during the evening or weekend, HCDA has refused to make this accommodation, instead insisting that supplemental public input hearings – attended only by the executive director and a court reporter – are sufficient. Let me briefly rephrase that, despite legislative requests, HCDA has refused. In my experience, when the legislature requests that a state agency act on something, it does not REFUSE.

HCDA continues to insist that it respectfully considers all public input and questions. However, to date, Kakaako residents still have not received meaningful answers to questions regarding sewer functionality in the area, traffic impact, and the lack of schools or adequate park space in the area. Furthermore, when we are able to attend a hearing, our comments and questions are treated with disdain and dismissed. We are often subject

to interrogation by the executive director, yet our questions are either unanswered or explained away with sometimes misleading arguments. In instances, residents have even been ridiculed. For example, at the final hearing for 801 South Street Tower B, held on Dec. 4, 2013, when area resident Ariel Salinas attempted to explain in great detail how the units were not priced affordably when using realworld mortgage rates and related costs, Board President Brian Lee yelled (emphasis added):

*"I'm also discouraged by the act of throwing up all kinds of things against the wall, all kinds of opposition, whether **it's valid or not**, simply to oppose and slow down the Project."*

(To hear a recording of this exchange, go to:

<http://hpr2.org/post/hcdaapprovessecond801southstreettower>)

In my opinion, that outburst spoke volumes. Yes, dealing with the public can be trying at times – it is understandable that once in a while, a civil servant will lose his or her temper. However it is also what Mr. Lee said that troubles me – it implies that the decision to approve the project was already made before any hearings even began and whatever problems we residents saw with the project – ranging from public safety to erroneous calculations of affordability – were inconsequential. This is NOT effective and meaningful public engagement.

In conclusion, state agencies help to make Hawaii a better place for everyone, by serving the public. By their recent actions and behaviors, it seems that the HCDA Board and Executive Director Tony Ching have forgotten that this is also their inherent duty. It is up to this legislature to enact laws that remind them of this duty to the people of Hawaii; failing to do so sets a dangerous precedent and invites other state agencies to follow HCDA's example.

Thank you for the opportunity to submit this testimony.

From: mailinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: annmarie@hawaii.rr.com
Subject: *Submitted testimony for SB2698 on Feb 12, 2014 15:15PM*
Date: Monday, February 10, 2014 10:16:38 PM

SB2698

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
Ann Marie Kirk	Individual	Support	No

Comments:

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From: mallinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: barb@punapono.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 11:25:04 PM

SB2698

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: Thank you for hearing SB2698 - RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY I strongly support this bill. SB2698 Ensures that adopted plans and rules are followed by requiring legislative approval by a 2/3 majority vote before Kakaako mauka and makai area plan and rules can be amended Requires community involvement in HCDA's planning and decision-making by working with community residents and landowners Establishes a contested case process, a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for agency hearing, under HRS 91 ADMINISTRATIVE PROCEDURE Recommend that HCDA adopt rules governing a contested case process, which the agency does not currently have. Establishes standards in law on density, height (maximum 400 foot towers) Requires comprehensive studies of and plans for infrastructure capacity of sewers, roads, utilities including water and electricity, schools, and parks. Recommend the requirement that the appropriate county agencies review and approve, amend or disapprove these studies to ensure they meet county standards and that there is sufficient capacity at receiving areas, i.e., sewage treatment plants, major highways, park maintenance, etc. Please pass this important Bill Barbara Cuttance 14/266 Papaya Farms Road, Pahoa, HI 96778

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To: [EGHTestimony](#)
Cc: alemorrier@gmail.com
Subject: *Submitted testimony for SB2698 on Feb 12, 2014 15:15PM*
Date: Tuesday, February 11, 2014 12:52:50 AM

SB2698

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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SB 2698 RELATING TO THE HCDA is introduced to ensure that HCDA meets the following unmet community development needs: - a lack of suitable affordable housing- insufficient commercial and industrial rental facilities- residential areas that do not have adequate public facilities such as parks and open space. I am especially concerned with the lack of sufficient open space, trees and parks in the Kakaako area. Green concerns are usually the last to be considered when developers are attempting to improve their bottom line of profit As each tower arises several hundred feet from another tower, there should be green requirements that far exceed current recommendations. The denser the building should require more park space. The more footage in a building should require more green space. Little gardens on the top of condominiums should not be considered green space. We support a process for citizens to contest HCDA decisions so that any person adversely affected by an action or decision may file a petition for a contested case proceeding. **I strongly support HB 1860.**

Jeremy Lam
2230 Kamehameha Avenue
Honolulu, HI 96822
drjalm@aol.com



From: mailinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: eddiejohnson@yahoo.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 12:50:07 PM

SB2698

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: 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. 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. 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. 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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To: [EGHTestimony](#)
Cc: hawaiianryan1977@yahoo.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 1:24:29 PM

SB2698

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	Comments Only	No

Comments: Please accept this testimony in Support of SB 2698, RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY by strengthening HCDA's public notice requirements and requirements for project approval creating an administrative appeal process with available judicial review for HCDA decisions or actions. HCDA lacks an appeals process that is comparable to other zoning and planning organizations. I strongly support SB 2698

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To: [EGHTestimony](#)
Cc: lindalegrande2243@gmail.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 2:14:45 PM

SB2698

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: lopekana@hawaii.rr.com
Subject: *Submitted testimony for SB2698 on Feb 12, 2014 15:15PM*
Date: Monday, February 10, 2014 1:57:28 PM

SB2698

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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Cc: paul@punapono.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 1:19:37 PM

SB2698

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 help ensure community involvement in development decisions.

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To: [EGHTestimony](#)
Cc: lynnehl@aol.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 11:43:11 AM

SB2698

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: This testimony is in strong support of HB 1860. For more than 25 years I have watched the transformation of the HCDA, from an agency that ignored the public to one which started paying attention to one which is now in bed with the developers. In that 25 years the agency has refused to address the need for schools for the population it expects. It now says the income levels for condo purchase for workforce housing are based on married couples, not singles, because "singles don't buy, they rent." They are out of touch with the real world. They do not understand that as an unpopulated area becomes populated it is imperative to listen to the denizens. Please pass this bill as a step toward the needed reforms of the HCDA. I will be out of town, or I would be there in person. Lynne Matusow 60. N. Beretania, #1804 Honolulu, HI 96817 531-4260

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Cc: suzanne@punapono.com
Subject: *Submitted testimony for SB2698 on Feb 12, 2014 15:15PM*
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SB2698

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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Date: Monday, February 10, 2014 11:09:21 AM

SB2698

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: HCDA should be made more accountable with more oversight by legislators. Amendments to the Mauka or Makai Plans and Rules should require legislative approval. Also if we don't control the height and density of the growth in Kaka'ako it will become an urban "concrete jungle".

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To: [EGHTestimony](#)
Cc: williamlee244@gmail.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 10:38:35 AM

SB2698

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: HCDA's broad use of discretion must be reigned in and the rules must be legislated in to statutes to assure transparency and meaningful community engagement. Their past actions justify oversight by our legislature. There is definitely a lot of passing the buck between HCDA and the DOE concerning the need of an elementary school for Kakaako. No more project approvals until the issue of an elementary school is resolved. I support SB2698

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From: Web Nolan
To: EGHTestimony
Cc: Sen. Brickwood Galuteria
Subject: Testimony supporting SB2698 for Feb 12, 2014 EGH committee hearing
Date: Monday, February 10, 2014 10:32:24 AM

Testimony submitted by 20-year Kakaako resident and condo owner Webster Nolan on SB2698 for February 12, 2014 hearing by EGH committee

I support this bill because it states more clearly than existing rules the right of individuals adversely affected by HCDA actions to seek a contested case proceeding and requires a public hearing on the matter.

Currently, Kakaako residents who do not have training in law or significant experience in property issues (which includes most residents) face a bewildering set of statutes and rules governing appellate procedures against HCDA rulings and decisions. This bill is an important, though small, step toward ensuring that HCDA gives more focused consideration to community concerns than it has in recent years.

There is a fundamental need for an inexpensive process of appeal to an impartial authority by Kakaako residents who are adversely affected by HCDA actions. Developers and HCDA possess substantially greater financial, legal and staff resources than individual members of the community. It's clearly a David-and-Goliath situation, and the bill thus directly addresses a concern frequently expressed by Senate Majority Leader Galuteria on the need "for more balance" in the development process. In effect, SB2698 seeks to help affected individuals pursue their cases in a more balanced and open climate.

I also support this bill because it would increase legislative oversight of the Authority. Many residents of Kakaako, and a growing number of Oahu citizens beyond Kakaako, have expressed a strong desire that the Authority be held to greater legislative accountability.

Although potentially burdensome to the legislature, this bill can serve as the basis for further refinement of the legislature's HCDA oversight process. Until then, this measure would provide an assurance to the Hawaii electorate that the legislature is keeping a much-needed closer eye on the Authority. In the "801 South Street" project, HCDA has often seemed to act as an advocate for the developer rather than as a guardian of the public interest.

Further in support, the bill specifies additional measures for HCDA to fulfill in its statutory obligation to engage "effectively" with the community by frequently mailing more information to property owners and residents in the affected community, if they request it; to give specific answers to specific questions asked by the public; and to provide in its required reports to State and County legislators a detailed account of the public's comments and the Authority's response to concerns about the project under consideration. All these obligations would contribute to greater transparency and integrity in the development process.

Despite its constant claims of responsiveness to public concerns, the Authority has failed repeatedly in the case of "801 South" to provide clear and complete answers to concerns expressed about affordability, infrastructure, traffic, social impact, noise, privacy, scarcity of recreational space, justification for double density, crowded living conditions and other issues. The Authority's responses have in large part been evasive, incomplete, adversarial or misleading.

In addition, the Authority has imposed tight restrictions on community witnesses at public hearings, by limiting their testimony to three minutes each and by prohibiting them from asking

questions of Authority board members. SB2698 requires the Authority to provide the appropriate members of the state and county legislatures with detailed reports about community concerns raised during public hearings and the Authority's response. These reports would give our legislators significantly more information that they currently receive.

Finally, in requiring the Authority to provide "comprehensive studies" of the infrastructure capacity and "other requirements" to meet the needs of the additional number of residents anticipated for a project, SB2698 requires HCDA to study in detail the environmental and social impact of each project, rather than using its area-wide impact studies as a basis for permit decisions, as is the current practice. This is a serious worry for the community affected by "801 South," because the area-wide impact study was done four years before the development became public knowledge and because the area-wide study did not address specific concerns about the infrastructure and other critical elements in the "801 South" proposal.

SB2698 would substantially improve community input in the decision-making process of the Authority, while strengthening legislative oversight of the agency and requiring a more detailed flow of information to state and county legislators. I strongly urge this committee and the full Senate to pass this bill.

Webster Nolan
876 Curtis St #1005
Honolulu HI 96813

Ph: 593-1189

February 9, 2014

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

SUBJECT: Testimony in Support of SB 2698

Dear Committee Members,

I support SB 2698 and all efforts to curb or abolish the HCDA. The HCDA does not properly represent the communities for which it serves. Its operations and decisions are not transparent nor reflect testimony it has received over the past year; it continues to ignore the will of the people.

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.

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, 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 (as is required for developers everywhere else on Oahu.)

There is a growing wall of concrete in Kaka'ako that is spoiling beautiful public vistas of the last remaining shoreline of urban Honolulu. Buildings in Kaka'ako should have stricter limits on height and density, similar to 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 recommend a minimum distance of 300 feet between buildings that are more than 100 feet tall.

Mahalo Nui Loa,



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

From: mailinglist@capitol.hawaii.gov
To: [EGHTestimony](#)
Cc: rontthi@gmail.com
Subject: *Submitted testimony for SB2698 on Feb 12, 2014 15:15PM*
Date: Sunday, February 09, 2014 5:43:16 PM

SB2698

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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Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Sunday, February 09, 2014 1:13:51 PM

SB2698

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	Support	No

Comments: I support SB 2698 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. *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, 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 (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, similar to 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 distance of 300 feet between buildings that are more than 100 feet tall

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Cc: connie.smyth54@gmail.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Sunday, February 09, 2014 1:01:50 PM

SB2698

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 1860because: * 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. *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, 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 (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, similar to 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 distance of 300 feet between buildings that are more than 100 feet tall

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Cc: eo50@icloud.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Sunday, February 09, 2014 10:31:10 AM

SB2698

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: An appeal process should be guaranteed to the voting public. HCDA presently operates answering to no one. Legislation rather than rules should govern this agency. From testimony at recent hearing, it appears that we need an elementary school in Kakaako. Neither HCDA nor the DOE have committed to a school for the area. They just pass the buck to each other while more residential towers are approved. Where will our keiki go to school when they move into Kakaako? I support SB2698.

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Cc: rkorph@gmail.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Sunday, February 09, 2014 9:48:58 AM

SB2698

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: SB2698 and SB697 are similar and should be merged. In my recent encounter with the HCDA, I have come to realize that I have no representation by an elected official in front of this agency. The power of my vote has been muffled in favor of profits by developers. The HCDA is more concerned about the developer than the community. The legislation to require community engagement is welcomed. Comprehensive infrastructure studies prior to permit approval must be a requirement. Every project in the area should be charged an education impact fee to promote the creation of an elementary school even if the DOE has not submitted a plan. Rules should become Statutes to guarantee compliance. I favor smart development. I strongly support SB 2698.

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To: [EGHTestimony](#)
Cc: daigoro@hawaii.rr.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Friday, February 07, 2014 8:52:43 PM

SB2698

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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Subject: *Submitted testimony for SB2698 on Feb 12, 2014 15:15PM*
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SB2698

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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Written Testimony for the
Committee on Economic Development, Government Operations and Housing
Wednesday, 1515 hrs, February 12, 2014
Conference Room 16
Senate Bill 2698
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 would like to submit a testimony on Senate Bill 2698 because I am extremely disturbed about HCDA's business process and it needs to be revised. I have experienced firsthand on how the HCDA interacts with the community. After attending and testifying at several public hearings to include the supplemental hearings, I felt like I was treated like a second class citizen and humiliated in public.

My impression is that HCDA conducts these hearings just to check the box that says "YES WE ENGAGED THE COMMUNITY AND LISTENED TO WHAT THEY HAD TO SAY," but I truly doubt if they that. The Executive Director meticulously took down each of our comments and came back with answers which I thought were excuses to benefit the developer and to support HCDA's approval of the project. They twisted our words to make it sound like we were not making correct statements. It made me feel like I was on the stand and being questioned about the validity of my comments. I'm sure that everyone who testified in opposition to any of the proposed developments will all agree with me. 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 bottom line is that HCDA did not listen to any of our concerns.

As stated on SB 2698, I would like to see HCDA "effectively engage" the community by working with residents and landowners residing within the community in which the project is located. To ensure that the rules are followed, and that proposed buildings do not adversely affect the community or its residents and businesses. I would like to see them provide their response(s) to any concerns that are raised about the project by the community in a timely manner. They should also ensure that residential developments provide necessary community facilities, such as open space, parks, etc be included in the plans of the proposed projects.

I'd like to present some questions that raise a red flag from my perspective.

1. Why do the realtor and developer get special seats alongside the authority members in the front of the room at the hearings? Personally, it makes me wonder what has gone on behind the scenes prior to these hearings.
2. Why do the elderly, the physically challenged and parents with children have to stand in the back of the room during the hearings?
3. Why did it take the community members to find and point out the discrepancies in the Tower B 801 South project and other proposed projects? We are not planners, and we are not professionals of the trade. Isn't it HCDA's job to ensure that the plans are reviewed? Or do they not see any discrepancies in any of the proposed projects?

4. Why isn't HCDA following the Mauka Area Rules which they established? What happened to the plan of having low and moderate income housing located in residential and mixed-use areas with sufficient public facilities and services? The workforce housing rules were added after the Reserved Housing Rules in 2011. The workforce housing rules are less than two pages long and dated Sep 2011 and allowed for modifications. One year later, the development permit application for the first workforce house project (801 South Street) was submitted to HCDA in Sep 2012, with the developers requesting **modifications** to the HCDA Mauka Area Rules. The timing of the revision of the rules and the request for project approval is just too perfect. Also, with regard to preserving the culture and history – well they sold the News Building to Hawaiian Dredging. They intend to keep the façade of the building intact, and tear down the rest of the building for a parking garage. I feel that this cannot be considered as preserving history. The rest of the building is part of history too and although I don't know what is in the building, I'm sure it has items and details of historical and cultural values.

I'm sure that when the HCDA was first established, they did have intentions of developing an urban mixed use district where people can work, live and play. However, somewhere along the line they ran too fast with the power and left everyone behind – mainly the community.

I strongly urge I you to pass SB 2698 to protect the community and the future of Kakaako. It's time to put the "C" for COMMUNITY back in HCDA.

Again, thank you for this opportunity to submit my testimony.

Grace Ishihara

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From: mailinglist@capitol.hawaii.gov
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Cc: kareen.tanoue@gmail.com
Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 2:43:10 PM

SB2698

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 2698 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. *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, 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 (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, similar to the City's standards. A density limit of 3.5 FAR with height limit of 400 feet is reasonable at the maximum. * I would also recommend a minimum distance of 300 feet between buildings that are more than 100 feet tall.

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Subject: *Submitted testimony for SB2698 on Feb 12, 2014 15:15PM*
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SB2698

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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Subject: *Submitted testimony for SB2698 on Feb 12, 2014 15:15PM*
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SB2698

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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Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
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SB2698

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: I support SB 2698. Please amend this process. 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. 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, 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 (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, similar to 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 distance of 300 feet between buildings that are more than 100 feet tall (also per my testimony for HB 1863).

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Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Monday, February 10, 2014 8:56:48 PM

SB2698

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
Shannon Rudolph	Individual	Support	No

Comments: Strongly Support. I'd prefer you just Repeal the HCDA, it sounds like a heck of a mess and an embarrassment from all that I've read. Who thinks up these boondoggles, anyway? Sheesh..

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Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 8:40:58 AM

SB2698

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 HCDA requirements for public notice and for project approval. Create an appeal process with judicial review for HCDA decisions or actions. Victoria and Trudy Cannon

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Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 10:41:52 AM

SB2698

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 SB2698 and other bills that seek to rein in, impose stronger restrictions, and even abolish the HCDA. The HCDA works with developers for over a year to have their projects meet the HCDA guidelines, then the public has two hearings to share their mana'o. At the first hearing, the public will speak to the issues, at the second hearing, the public will get a second chance to speak, but at the same hearing, the HCDA will make a decision on the development. So any questions or issues raised at the second hearing is moot as the board has already made up their mind! Case in point - 801 South Street Tower B. First hearing, many issues were raised by citizen. Second hearing, the executive director falsely debunked every objection made at the first hearing, dismissed the concerns raised, and the entire board unanimously voted to support the development despite additional questions raised by the public. Two hearings vs. One year for the developers! How is this right?

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Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 1:55:21 PM

SB2698

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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Subject: Submitted testimony for SB2698 on Feb 12, 2014 15:15PM
Date: Tuesday, February 11, 2014 2:25:40 PM

SB2698

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
Barbara PolkInd	ividual	Support	No

Comments: The Hawaii Community Development Authority appears to be out of control. This bill would substantially help make sure that plans are responsive to community concerns, puts the legislature back in charge of approval of major development plans, and establishes a density and height limit that is more appropriate to the area. I urge you to amend the bill to require approval of infrastructure plans by the appropriate county agencies, to ensure conformity to county plans. With this amendment, I urge you to approve SB 2698.

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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 Kalaleloa 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.

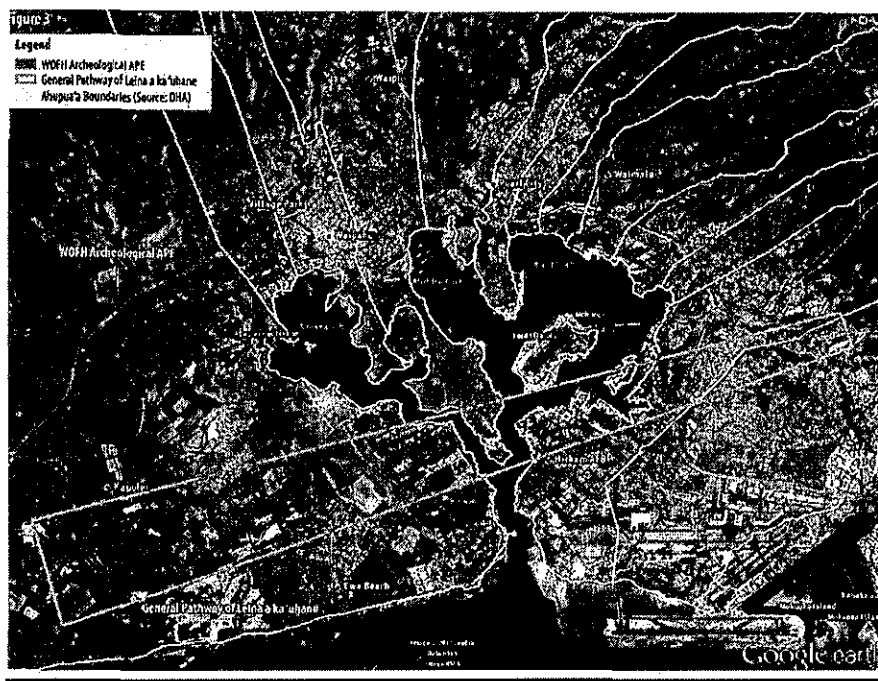
By the way, Kanehili is the ancient Hawaiian name for this area, not "Kalaeloa." Kalaeloa was just another land developer created name, like "Hoopili" is for Honouliuli and "East Kapolei" is for Ewa. It

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!

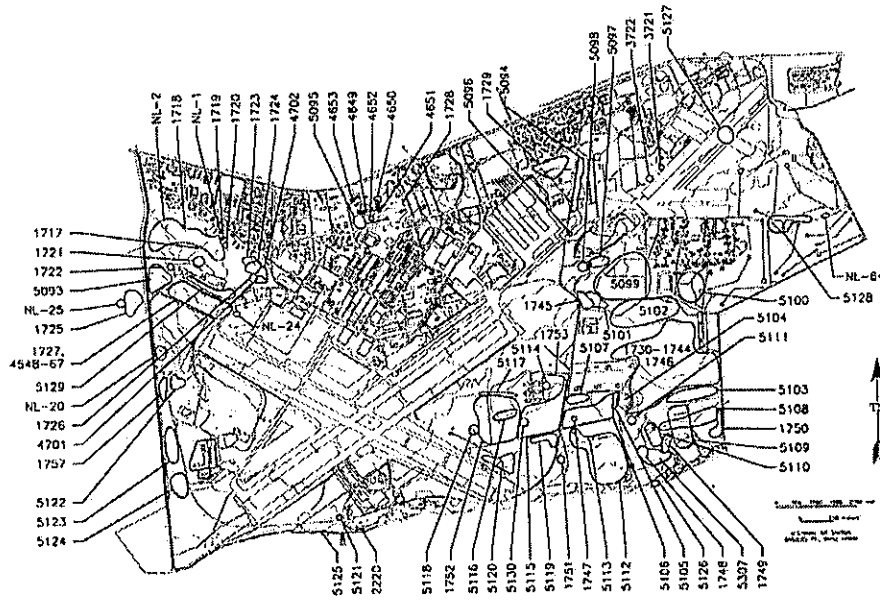
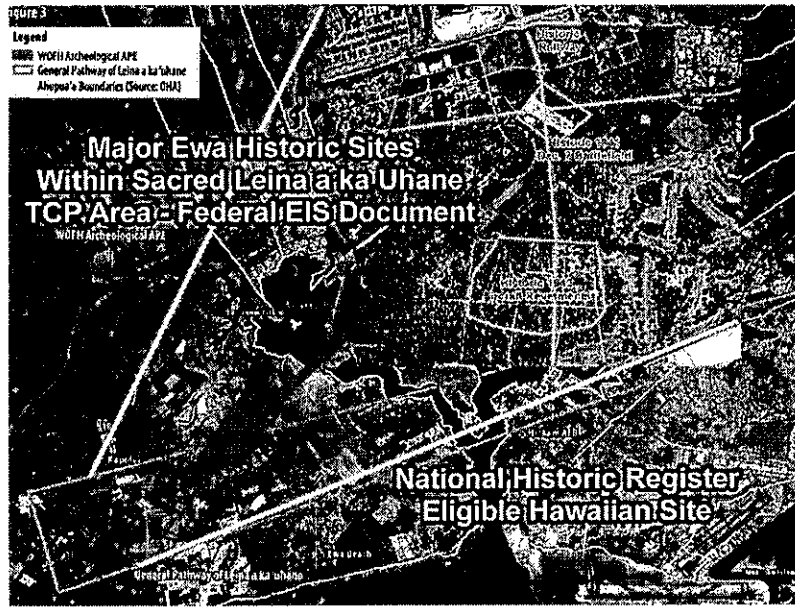
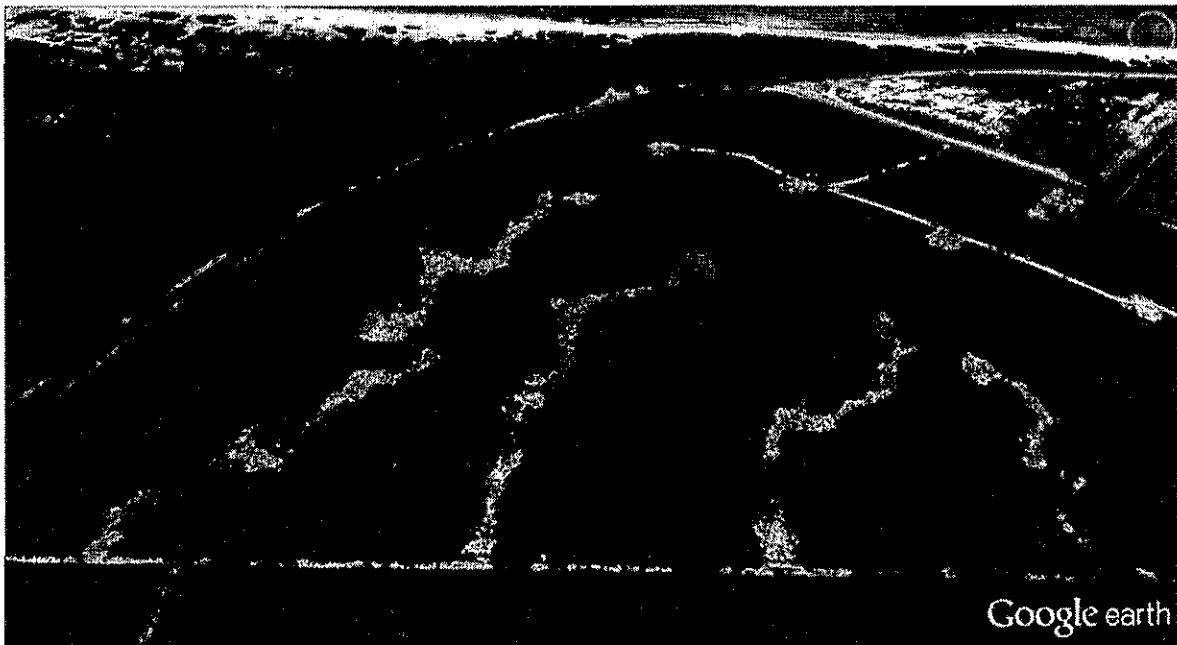


Figure 28. Archaeological and historical sites of NAS Barbers Point.



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 'Uthane.





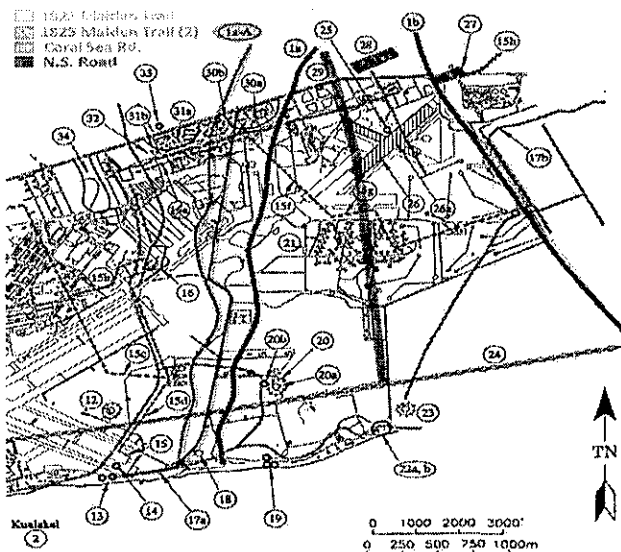
Table 7 presents the Leina a ka 'uhane as a single sacred and storied place, identifying the applicable ahupua'a, theme, National Register criteria, and integrity of relationship and condition.

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	Hālaiva Moanalua, Waiau, Waimano, Pu'uloa, Honouliuli	2	Associated with pattern of events – Leaping off place to the spirit world	Associated with the akua Kānehili, Leiolono, 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.

