



HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY



KAKA'KO  
KALAELOA

Neil Abercrombie  
Governor

Brian Lee  
Chairperson

Anthony J. H. Ching  
Executive Director

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

BEFORE THE  
SENATE COMMITTEE ON WAYS AND MEANS

ON

Wednesday, April 2, 2014

9:20 A.M.

State Capitol, Conference Room 211

in consideration of

**H.B. 1866, H.D. 2, S.D. 1 – RELATING TO THE HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY.**

**Purpose:** To enhance legislative and public oversight of the Hawaii Community Development Authority by amending requirements for notice, hearing, and approval for developmental permits, requiring affordable housing requirements to be satisfied by reserved housing within the district or by cash-in-lieu payments, and enacting building restrictions in Kakaako.

**Position:** I provide the following comments with respect to the general provisions of the proposal. We strongly oppose those provisions that seek to limit Authority revenues and fiscal capacities.

**No Findings to Support Amendments.** There are no findings indicating the problem that the legislation seeks to identify or provide justification for the specific amendments being proposed. I also offer the following comments.

Section 1 requires separate public hearings to be held for any proposals involving variances, exemptions or modifications.

- At least two public hearings are held for each developmental permit application received by the HCDA. The first involves proposal presentations from the applicant, while the second involves decision making by the Authority. The language in the bill does not make it clear whether the variance/ exemption/ modification hearing must be held in addition to the second decision making hearing. If this were the case, then at least three public hearings would be required for all developmental permit applications, which could lengthen the approval process.

Section 3 requires the adoption of rules relating to the approval of reserved housing outside a community development district and allows cash payments in lieu of providing reserved housing.

- The allowance for housing to be developed outside of the community development district was in the original statute. It is our belief that allowing reserved housing to be developed outside the community development district gives greater flexibility for developers and encourages the delivery of more income restricted units.
- The Legislature recently eliminated the cash in-lieu option. It is strange that this option would be reestablished, as it is typically more desirable to have the units built, rather than accept cash in-lieu.

Section 4 requires applicants to mail permit application notifications to all residents within a 300 foot radius of a project valued at over \$250,000.

- The HCDA currently notifies all residents in the entire Kakaako Community Development District of such permit applications. Due to the lack of a comprehensive list of all residents in the community and the high cost of individual mailings, the HCDA sends all applicable notices to the

Association of Apartment Owners (AOAO) of each building. Requiring applicants to mail the same notice to affected residents may be duplicative and cost-prohibitive.

Section 8 creates the Hawaii community development revolving fund and limits the maximum revenues of the Authority to \$3,641,818 per fiscal year. Amounts exceeding this shall be transferred to the general fund. We strongly oppose this section for the following reasons:

- This provision limits the expenditure of funds by the HCDA and inhibits the agency in fulfilling its mission of building better communities.
- Typical annual receipts and revenues for HCDA is approximately \$3M and are derived directly our activities in the improvement district with the express intent of direct re-investment in the development district. Revenue sources include – leasing and property management, improvement district assessments, and proceeds from the sale of area reserved housing. All revenue receipts are deposited and tracked as sub-funds of the larger revolving fund.
- As HCDA revenue accumulates revenues, capital projects are identified within the improvement that are consistent with the nature of its revenue source. For example, a significant portion of Halekauwila Place – affordable rentals, was financed by HCDA’s portion of reserved housing unit sales. Capping the HCDA’s revenues would severely restrict the agency in conducting necessary business in the district.
- The current balance of the Hawaii community development revolving fund is approximately \$20.75 million, far above the proposed ceiling of \$3.6 million. Of the \$20.75 million, approximately \$5 million is already encumbered for very various contracts within its improvement districts (e.g. infrastructure improvements, park maintenance, public private partnership due diligence, etc.). In the near-term, HCDA further plans to encumber an additional \$4 million dollars for improvements of the loading dock at

Fisherman's Wharf. The funding source for this project are revenues directly generated from Kewalo Basin. HCDA is further pursuing a lease of Kewalo Basin with a responsible developer and harbor manager who will invest \$19 million in harbor improvements. The remaining balance of \$11.75 million is a relatively small balance given the size and nature of HCDA projects.

Thank you for the opportunity to provide these comments.



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

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1866, H.D. 2, S.D. 1, RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

**BEFORE THE:**

SENATE COMMITTEE ON WAYS AND MEANS

**DATE:** Wednesday, April 2, 2014

**TIME:** 9:20 a.m.

**LOCATION:** State Capitol, Room 211

**TESTIFIER(S):** **WRITTEN COMMENTS ONLY.**

(For more information, contact Diane K. Taira,  
Supervising Deputy Attorney General, at 587-2978)

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Chair Ige and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill proposes to (1) amend the notice, hearing, and approval requirements of development permit applications; (2) enhance legislative oversight of the Hawaii Community Development Authority ("HCDA" or "the Authority"); (3) permit cash payments in lieu of providing reserved housing; (4) establish a maximum aggregate amount of HCDA's revolving fund; (5) permit HCDA to sell or otherwise assign the fee simple interest of reserved housing; and (6) establish a height limit of 418 feet.

In section 1, page 1, lines 11-18, and page 2, lines 1-16, the bill adds a new section to part I of chapter 206E, Hawaii Revised Statutes (HRS), as follows:

**§206E-B Public hearing on variances, exemptions, or modifications; separate hearing required.** (a) When considering any developer's proposal to develop lands under the authority's control that includes any request for a variance, exemption, or modification of a community development plan or of the authority's community development rules, the authority shall hear the request for variance, exemption, or modification at a public hearing separate from and subsequent to the hearing at which the developer's proposal was presented; provided that the authority may hear all requests applicable to a single proposal at the same public hearing.

(b) The authority shall issue a public notice for the public hearing in accordance with section 1-28.5 and post the notice on its website; provided that the public hearing shall not occur earlier than five business days after the notice is posted.

(c) The authority shall notify the president of the senate and speaker of the house of representatives of any public hearing subject to this section upon posting of the public notice.

(d) The authority's decision on requests subject to this section shall be rendered at the public hearing held pursuant to section 206E-5.6 rendering a decision regarding the developer's proposal.

In section 5, page 11, lines 14-15, the bill amends section 206E-5.6(a), to make it subject to requirements of section 206E-B. Because subsections (b) and (c) of section 206E-B are duplicative of the requirements of subsections (b) and (c) of section 206E-5.6, we recommend that, instead of adding a new section, the bill amend section 206E-5.6 to include the requirement of a separate public hearing on variances, exemptions, or modifications, as set forth below on page 3.

In section 1, page 2, lines 17-22, and page 3, lines 1-8, the bill adds a new section to part I of chapter 206E, HRS, as follows:

**§206E-C Contested case hearing; intervention.** (a) The authority shall adopt rules to provide for intervention in development permit applications, including procedures for contested case hearings.

(b) Procedures for intervention and contested case hearings adopted pursuant to this section shall require:

- (1) Final disposition of the hearing prior to the authority's decision on the subject development permit application;
- (2) Filing of petitions to intervene no later than twenty days after the subject development permit application is deemed complete; and
- (3) The acceptance of testimony from intervenors and individuals other than the intervenors.

When rendering a decision on a development permit application, the Authority is required to comply with the requirements of section 206E-5.6. Thus, if the intent of this new section is to require development permit application proceedings to be conducted as a contested case hearing, we note that section 206E-5.6 already provides for a contested case hearing. Section 206E-5.6 requires the Authority to conduct separate public hearings whenever the Authority renders a decision regarding the "acceptance of a developer's proposal to develop lands under the authority's control." Because the section 206E-5.6 public hearings on development permit applications are required by law and determine the rights, duties, or privileges of specific parties, they constitute a contested case proceeding. E&J Lounge Operating Co., Inc. v. Liquor

Comm'n of Honolulu, 118 Hawaii 320, 330, 189 P.3d 432, 442 (2008). Although there is no requirement that the hearing be referred to as "contested case hearing," see id. at 332, 189 P.3d at 444, we recommend that, instead of adding a new section, the bill amend section 206E-5.6 to clarify that it provides for a contested case hearing that would give rise to judicial review pursuant to section 91-14, as set forth below. We also recommend that the bill be amended to only allow persons aggrieved by a "final decision" of the Authority to seek judicial review. Allowing persons to appeal a preliminary ruling prior to a final decision would result in costly delays and would divert the Authority's time and resources to fighting an appeal in Circuit Court before it even issues a final decision.

Lastly, we recommend that the deadline for filing a motion to intervene be twenty days after the publication date of the public notice rather than after the application is deemed complete.

In accordance with the above comments, we recommend that section 206E-5.6 be amended as follows:

**§206E-5.6 Public hearing for decision-making; separate hearings required; contested case hearing; judicial review.** (a) When rendering a decision regarding:

- (1) An amendment to any of the authority'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 control,

The authority 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 shall issue a public notice in accordance with section 1-28.5 and post the notice on its website; providing 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 shall provide the general public with the opportunity to testify at its decision-making hearing; provided that the general public shall not be considered a formal party to the proceedings. Public notice issued pursuant to this subsection for decision-making hearings under subsection (a)(2) shall state that any written motion to intervene as a formal party to the proceeding shall be received within twenty days after the publication date of the public notice.

(c) The authority shall notify the president of the senate and speaker of the house:

- (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.

(d) When considering any developer's proposal to develop lands under the authority's control that includes any request for a variance, exemption, or modification of a community development plan or of the authority's community development rules, the authority shall consider the request for variance, exemption, or modification at a public hearing separate from and subsequent to the hearing at which the developer's proposal was presented; provided that the authority may consider all requests applicable to a single proposal at the same public hearing. The authority's decision on requests subject to this subsection shall be rendered at the decision-making hearing on the developer's proposal.

(e) Proceedings pursuant to subsection (a)(2) shall be considered a contested case hearing.

(f) Any party aggrieved by a final decision of the authority regarding the acceptance of a developer's proposal to develop lands under the authority's control may seek judicial review thereof within thirty days, pursuant to section 91-14.

In section 8, page 13, lines 18-22, and page 14, lines 1-3, the bill amends section 206E-16 as follows:

There is created the Hawaii community development revolving fund into which receipts and revenues of the authority up to a maximum aggregate amount of \$3,641,818 per fiscal year shall be deposited. Amounts exceeding the specified maximum aggregate per fiscal year shall be transferred to the general fund. Proceeds from the fund shall be used for the purposes of this chapter.

We are concerned that transfer of revolving funds to the general fund may violate the separation of powers doctrine. In Hawaii Insurers Council v. Lingle, the Hawaii Supreme Court held that the transfer of monies from the Department of Commerce and Consumer Affairs' insurance division fund (made up entirely of assessments, fees, fines, penalties, and reimbursements) to the general fund constituted to an impermissible blurring of the distinction between the executive power to assess regulatory fees and the legislative power to tax for general purposes. 120 Haw. 51, 69-70, 201 P.3d 564, 581-83 (2008). Currently, HCDA's revolving fund is funded in part from improvement district assessments (section 206E-6) and public facilities dedication fees (section 206E-12) paid by residents and developers in HCDA's community development districts. HCDA uses such monies to construct, improve, or maintain public facilities within its community development districts. Accordingly, to the extent that such assessments and fees are used for the regulation or benefit of the parties upon whom the assessments and/or fees are imposed, we believe that the transfer of such monies to the general

fund may violate the separation of powers doctrine. We therefore recommend that the bill be amended to eliminate the transfer of HCDA revolving funds to the general fund.

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



**Testimony to the Senate Committee on Ways and Means  
Wednesday, April 2, 2014 at 9:20 A.M.  
State Capitol - Conference Room 211**

**RE: HOUSE BILL 1866 HD2 SD1 RELATING TO THE HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY**

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

The Chamber **opposes** HB 1866 HD2 SD1 Relating to the Hawaii Community Development Authority.

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



# Chamber of Commerce HAWAII

*The Voice of Business*

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.

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.

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 Chamber does support reasonable increases in time allotments for public input should there be compelling evidence that the public does not have enough time to provide their input.

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

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [thirr33@gmail.com](mailto:thirr33@gmail.com)  
**Subject:** Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
**Date:** Saturday, March 29, 2014 9:17:51 AM  
**Attachments:** [HB 1866 SD1 SSCR 3056 HCHD Authority.gif](#)

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## **HB1866**

Submitted on: 3/29/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Arvid Tadao Youngquist	Sky Ohana	Support	No

Comments: Chair, Senate WAM Committee Vice Chair, Senate WAM Committee Right Honorable WAM Committee Members Thank you for holding this hearing on HB 1866 SD1. The Sky Ohana thanks the original House Co-Sponsors, and encourage the Senate WAM to stand put and pass this measure. A minimum of additional changes are hoped for. It was surprising that so many organizations and groups who have vested interests and are stakeholders, offered "just" comments rather than "opposition". That is encouraging and is embolding. Currently in the Senate there are two GM to confirm 2 Board/Commissioner members for a term to end in 2017. It is hoped that with or without the enducement of tghis legislation, the new members will reflect the sentiments of the community and citizens at large who want to see more accountability as well as "responding to views coming before it in petitions and request for redress. As a semi-autonomous agency, its powers and authority have been called into question. Please consider very strongly to address these community and legislative concerns in the language of your WAM Committee Report to the full Senate. Me Ke Aloha Pumehana, Arvid Tadao Youngquist Founder, Spokesman, & Administrator

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

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

Testimony of  
Dexter Okada, President  
U. Okada & Co., Ltd.  
Before the  
**COMMITTEE ON WAYS AND MEANS**  
**Senator David Y. Ige, Chair**  
**Senator Michelle N. Kidani, Vice Chair**  
**Wednesday, April 2, 2014**  
**Conference Room 211**  
**9:20AM**  
**House Bill 1866,HD2,SD1**  
**Relating to The Hawaii Community Development Authority**

Chair Ige and Committee Members:

I am generally in support of House Bill 1866(HB1866),HD2,SD1 but I would like to have the make up of the HCDA board modified.

I am Dexter Okada. I am the president of U. Okada & Co., Ltd., a third generation small family business and property owner that has been located on Queen Street in Kaka'ako for over fifty years. From 2007 to 2011, I served as a board member of the Hawaii Community Development Authority(HCDA).

It is said that HCDA is a semi-autonomous State agency under the purview of the Legislature. But under the current rules HCDA is:

1. Administratively attached to DBEDT.
2. Four out of the nine board members are Governor's cabinet department directors.
3. The four department directors are not confirmed to the authority's board.
4. The fifth member is a cultural specialist selected by the Governor.
5. The sixth member is the Governor's at large pick.

HCDA resembles more of a Governor's cabinet department than a semi-autonomous State agency. HCDA cannot help but follow the direction of the Governor's office. And, every four or eight years that direction may change with the election of a new Governor. At the same time, HCDA would lose four of its board members all at the same time. This will not help in the continuity of the board and would mean a loss of institutional memory. Past mistakes will be repeated. To help balance the board, the Legislature should be able to nominate at least two members to the board.

Kaka'ako is not an island in the middle of the sea. Kaka'ako is a part of Honolulu. What happens in Kaka'ako affects Honolulu and what happens in Honolulu affects Kaka'ako. So it would be good to see that the county's planning department have representation on the board.

Kaka'ako is not a vacant lot to be developed. There is an existing community of small businesses, small landowners, and a growing number of residents. This community has the knowledge of where Kaka'ako has come from and where it is today. Without this knowledge, Kaka'ako will be lost in a jungle of concrete. There should be representation of the community on HCDA board by requiring that at least two of the members be from the community of residents and small businesses and landowners.

Thank you for allowing me to testify.

Dexter Okada

**HB 1866 SD1  
RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY**

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

**APRIL 2, 2014**

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

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on HB 1866 SD1, “A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.”

In 1976, the Legislature found that Kaka’ako was significantly under-utilized relative to its central location in urban Honolulu and recognized its potential for growth and development and its inherent importance to Honolulu as well as to the State of Hawaii. The Hawaii Community Development Authority (HCDA) was therefore established to promote and coordinate planned public facility development and private sector investment and construction in Kaka’ako. By having a regulatory body completely focused on the planning and zoning for Kaka’ako, it was envisioned that this would result in the effective development of this key economic driver.

With regards to the provisions contained in Section 1 relating to public hearings on variances, exemptions, or modifications, we concur that a regulating governmental land use entity should have the inherent flexibility to effectively address project and property specific issues, while still complying with established rules, plans, goals and policies for the surrounding area. We believe that provisions to provide an enhanced

process to closely scrutinize project specific modifications when deemed warranted and necessary will provide reasonable flexibility in authorizing projects that are in the best interests of Kaka'ako and the State of Hawaii.

We also support the changes made in Section 3 of the bill to retain the present statutory provision that allows the satisfaction of HCDA reserved housing requirements on land located outside the geographic boundaries of the authority's jurisdiction. We believe that this provision represents a reasonable option that may be of great assistance in preserving a development project's financial feasibility while meeting the overall purpose and intent of HCDA's reserved housing requirements and goals. The HCDA reserved housing program is generally targeted to meet the needs of a specific gap group—the working Hawaii resident who doesn't make quite enough to afford market housing, but makes too much to qualify for lower income housing. This is a needs group that cannot avail themselves of housing built with the assistance of government financing (tax credits, bond financing, etc.), but is an important gap to fill and one that the private sector can address without the help of government monies.

Thank you for the opportunity to testify.

Dear Senators of the Committee on Ways and Means

**I support HB 1866 HD2, SD1.** 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 should require comprehensive studies of and plans for the infrastructure capacity, and where improvements are needed impose the necessary impact fees upon the developer. Any building that is at least one hundred feet in height should be oriented on a mauka-makai axis. And finally, a contested case hearing process should exist that complies with chapter 91 and contested case appeals should be allowed to be made to the Intermediate Court of Appeals.

Please pass HB 1866 HD2, SD1 to ensure HCDA operates in a more transparent and responsible manner and thereby represent the will of the people.

Mahalo,

AL Frenzel

# *Malama Makaha*

March 30, 2014

TO: Senate Committee on Ways and Means

SUBJECT: Testimony in Support of HB 1866 HD2, SD1

Dear Committee Members,

**Malama Makaha supports HB 1866 HD2, SD1.** 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 should require comprehensive studies of and plans for the infrastructure capacity, and where improvements are needed impose the necessary impact fees upon the developer. Any building that is at least one hundred feet in height should be oriented on a mauka-makai axis. And finally, a contested case hearing process should exist that complies with chapter 91 and contested case appeals should be allowed to be made to the Intermediate Court of Appeals.

Please pass HB 1866 HD2, SD1 to ensure HCDA operates in a more transparent and responsible manner and thereby represent the will of the people.

Mahalo Nui Loa,



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

**Needed Restorations and Amendments to HB 1866  
Supporting Community Protections and Public Interest issues  
Relating to the Hawaii Community Development Authority**

**Infrastructure Carrying Capacity** (SB 2698 SD1 and SD2)

§206E-33 (10) Before approving development projects, the authority shall: (A) Require comprehensive studies of and plans for the infrastructure capacity of the sewers, roads, utilities including water and electricity, schools, parks, and other requirements to ensure that they meet the needs generated by the additional number of anticipated residents; and (B) Where improvements are needed, impose the necessary impact fees upon the developer."

**Mauka-Makai Axis** (SB 2696 SD1)

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

**HCDA Board Composition** (HB 1866 HD2)

Section 206E-3(b) The authority shall consist of [nine] eleven members for each community development district established in this chapter to be appointed by the governor, by and with the advice of the senate; provided that one member shall be appointed by the governor from each of two separate lists of three nominees submitted by the president of the senate and one member shall be appointed from each of two separate lists of three nominees submitted by the speaker of the house of representatives; provided further that a cultural expert shall be appointed from a list of three nominees submitted by the University of Hawaii School of Hawaiian Knowledge, and that a community member shall be appointed from a list of three nominees submitted by the community for each community development district and who shall be considered in determining quorum and majority only on issues relating to their community district.

**Legislative Oversight** (SB 2698 SD1 & SD2)

§206E-5. (f) The authority may amend the community development plan as may be necessary. 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, and their attendant rules, shall take effect without the prior approval of the legislature by a concurrent resolution submitted by the authority and adopted by each house by at least a two-thirds majority vote of the members to which that house is entitled. The authority shall include in the concurrent resolution the proposed amendments and the justification therefor."

**Contested Cases** (HB 1866 SD1 and HD2 combined)

§206E--- . Contested case hearing; judicial review. (a) Any person adversely affected by the authority's final decision may petition the authority for a contested case hearing within thirty days of the effective date of the authority's final decision. (b) Contested case hearings shall comply with chapter 91, and shall be conducted by a hearings officer independent of the HCDA. (c) Any contested case may be appealed upon the record to the intermediate court of appeals.

**Vested Rights** (HB 1866 SD1 and HD2)

Delete §206E-7. (b) re. vested development rights.

Use standard savings clause from SD1, Section 14 and HD2, Section 17:

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

Testimony of  
Bryan Suzui  
Before the Senate Committee on Ways and Means  
Wednesday, April 2, 2014, 9:20 a.m., Conference Room 211

HB 1866 SD 1: Relating to the Hawaii Community Development Authority

Dear Chair Ige, Vice Chair Kidani, and Members of the Senate Committee on Ways and Means,

My name is Bryan Suzui, and I strongly support HB 1866 SD 1.

This bill would provide a higher level of transparency to the public and the legislature about proposed development projects in Kaka'ako. It would improve the notification process, by providing mailed notice to homes and businesses within a 300 feet radius of a project.

I support the height limit of 418 feet that is proposed in this bill, to preserve the architectural character of urban Honolulu.

I continue to be very concerned about the infrastructure and other life necessities for the expected population of 30,000 people. Will the sewers, water supply, utilities, roads, schools, health services, grocery stores, open spaces and parks be adequate to support such a dense population? To protect the health and welfare of Hawaii's residents, please call for comprehensive studies of these vital necessities.

Please pass HB 1866 SD 1.

Thank you for the opportunity to provide testimony.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [candychoi68@gmail.com](mailto:candychoi68@gmail.com)  
**Subject:** Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
**Date:** Sunday, March 30, 2014 10:41:48 PM

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**HB1866**

Submitted on: 3/30/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Candy Choi	Individual	Support	No

Comments: The height limit is important. After all the high rises built, you will not be able to see the ocean and no shoreline.....no trade winds because everything will be blocked!

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

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [clkkimura@gmail.com](mailto:clkkimura@gmail.com)  
**Subject:** Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
**Date:** Monday, March 31, 2014 9:04:54 PM

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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cara Kimura	Individual	Oppose	No

Comments: My name is Cara Kimura and I have lived in Kakaako for the past 15 years. I am in strong support of HB1866. My experiences with HCDA in the last few months have led me to the conclusion that legislation such as provided herein. It is clearly an agency that acts as though it is above the law and it is time for this legislature to rein them in. The agency has come to personify the worst stereotypes of a government organization -- the type of behavior that causes citizens to distrust the government. As citizens, we cannot oust the board that governs HCDA -- legislative action is the only course we have to change this agency. Please pass this bill.

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To: [WAM Testimony](#)  
Cc: [cfrith@fbsmgt.com](mailto:cfrith@fbsmgt.com)  
Subject: Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
Date: Tuesday, April 01, 2014 8:55:26 AM

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## **HB1866**

Submitted on: 4/1/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cynthia Frith	Individual	Support	No

Comments: I strongly support HB1866 as it refers to: NEEDED RESTORATIONS & AMENDMENTS Supporting Community Protections and Public Interest issues Relating to the Hawaii Community Development Authority Infrastructure Carrying Capacity (SB 2698 SD1 and SD2) §206E-33 (10) Before approving development projects, the authority shall: (A) Require comprehensive studies of and plans for the infrastructure capacity of the sewers, roads, utilities including water and electricity, schools, parks, and other requirements to ensure that they meet the needs generated by the additional number of anticipated residents; and (B) Where improvements are needed, impose the necessary impact fees upon the developer." Mauka-Makai Axis (SB 2696 SD1) §206E--- . Mauka-makai axis for tower buildings. Any building that is at least one hundred feet in height shall be oriented on a mauka-makai axis. HCDA Board Composition (HB 1866 HD2) Section 206E-3(b) The authority shall consist of [nine] eleven members for each community development district established in this chapter to be appointed by the governor, by and with the advice of the senate; provided that one member shall be appointed by the governor from each of two separate lists of three nominees submitted by the president of the senate and one member shall be appointed from each of two separate lists of three nominees submitted by the speaker of the house of representatives; provided further that a cultural expert shall be appointed from a list of three nominees submitted by the University of Hawaii School of Hawaiian Knowledge, and that a community member shall be appointed from a list of three nominees submitted by the community for each community development district and who shall be considered in determining quorum and majority only on issues relating to their community district. Legislative Oversight (SB 2698 SD1 & SD2) §206E-5. (f) The authority may amend the community development plan as may be necessary. 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, and their attendant rules, shall take effect without the prior approval of the legislature by a concurrent resolution submitted by the authority and adopted by each house by at least a two-thirds majority vote of the members to which that house is entitled. The authority shall include in the concurrent resolution the proposed amendments and the justification therefor." Contested Cases (HB 1866 SD1 and HD2 combined) §206E--- . Contested case hearing; judicial review. (a) Any person adversely affected by the authority's

final decision may petition the authority for a contested case hearing within thirty days of the effective date of the authority's final decision. (b) Contested case hearings shall comply with chapter 91, and shall be conducted by a hearings officer independent of the HCDA. (c) Any contested case may be appealed upon the record to the intermediate court of appeals. Vested Rights (HB 1866 SD1 and HD2) Delete §206E-7. (b) re. vested development rights. Use standard savings clause from SD1, Section 14 and HD2, Section 17: SECTION \_\_\_\_\_. This Act does not affect rights and duties that matured, penalties that were incurred, and legal proceedings that were begun before its effective date

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**To:** [WAM Testimony](#)  
**Cc:** [cynthia@lava.net](mailto:cynthia@lava.net)  
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**Date:** Monday, March 31, 2014 11:03:31 AM

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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cynthia Rubinstein	Individual	Support	No

Comments: Please pass this bill. It is the very least that can be done to put reins on our runaway allowance of over development. As a State, we are cutting off our nose to spite our face and I am pretty sure from the headlines of the Sunday Advertiser, line the pockets of a very very small one in particular, as if we concrete All of this Paradise, Tourism and our Golden Goose, will begin to look for greener pastures! With Respect and Hoping You Do What is Pono, Cynthia Rubinstein

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**Cc:** [daneknish@yahoo.com](mailto:daneknish@yahoo.com)  
**Subject:** Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
**Date:** Monday, March 31, 2014 6:36:58 AM

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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Nishimura	Individual	Support	No

Comments: Please support this bill

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**Cc:** [daigoro@hawaii.rr.com](mailto:daigoro@hawaii.rr.com)  
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**Date:** Saturday, March 29, 2014 8:56:53 PM

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**HB1866**

Submitted on: 3/29/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Darryl	Individual	Support	No

Comments: Aloha once again. Unfortunately HCDA does not appear to have the communities best interest in mind at all times. HCDA also does not appear to have much accountability and after ignoring much public input and appearing to ram projects through without much public notice, I think some limits need to be put on HCDA. This is unfortunate, but many Kakaako residents feel as if HCDA has its decisions made prior to public input. HCDA's attitude appears to be " We know what is best for all of you, and you, the community, don't know anything about development, so we will let you talk, but not really listen because we have already made our decision because what HCDA thinks is what will happen." We need much improved community input and notification of the new condominium projects. As it is now the community is thrown into shock when we find out about a development project without any prior notice to a neighborhood board or other form of notification. The community is not given enough notice about future projects. Once we find out, we are lucky if someone is willing to organize people to amend the project, and then the community must scramble to figure out what they need to do to push back against variances and other issues. We are not in the development field, neither are we lawyers, or do we have the time, money and knowledge to give adequate push back to HCDA and the developers. It would really be nice to know that someone(s) involved in the development of Kakaako and Hawaii really was looking out for the people of Hawaii. I honestly believe that HCDA does not have the communities best interest in mind. HCDA seems to be very biased towards the developers. Thank You, Darryl

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**Date:** Monday, March 31, 2014 4:10:46 PM

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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David W. Hall	Individual	Support	No

Comments: Please vote in support of HB1866HB2SD1. The Bill needs further strengthening especially by forming a legislative task force to study the HCDA and report back to the legislature.

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**To:** [WAM Testimony](#)  
**Cc:** [drwillkim722@gmail.com](mailto:drwillkim722@gmail.com)  
**Subject:** Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
**Date:** Sunday, March 30, 2014 9:21:42 PM

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**HB1866**

Submitted on: 3/30/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr. William Kim	Individual	Support	No

Comments: My name is Dr. William Kim. I support HB1866. The HCDA is not working for the benefit of the community. It is out of control driven by contributions and promises.

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**To:** [WAM Testimony](#)  
**Cc:** [georgeandmary@mac.com](mailto:georgeandmary@mac.com)  
**Subject:** Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
**Date:** Monday, March 31, 2014 10:04:59 AM

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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
George Outlaw	Individual	Oppose	No

Comments: Aloha, While this Bill takes some steps toward transparency it does not address the main issues that I have with the HCDA. The Bill does not give the Community or Citizens seat at the table, or any effective way to contest a decision. The Bill does not require a submission of a financial statement or documentation which would assure the public that conflicts of interests are not present. Currently, the appearance is that many members may be corrupt because of their positions in their employment. The Bill allows the HCDA to delay and not respond to citizens legal appeals. The HCDA should have 30 days in which to respond to petition, legal issues or communications from its constituents. The Bill does not require the Hawaiian specialist to approve plans or actions they take. Therefore he has no authority. The Bill does not specify what the criteria for an "Independent" counsel is. This position could be picked by the Governor or? and not be actually independent. Independent should be from outside the political establishment, or any personal or financial interests in the area. Mahalo, George Outlaw

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Testimony for the  
Committee on Ways and Means  
Wednesday, April 2, 2014, 0920 hrs  
Conference Room 211  
HB 1866 HD2, SD 1  
Relating to the Hawaii Community Development Authority (HCDA)

Chairperson Ige, Vice Chairperson Kidani and Members of the Committee

My name is Grace Ishihara and I am a resident of Kakaako. Thank you giving me this opportunity to submit a written testimony. I would have liked to testify in person, however, work prevents me from attending.

I strongly **support HB 1866 HD2, SD1.**

My testimony will not address each amendment on this bill. I would just like to share my experience that I've had with the HCDA.

One day when going home, there was a notice on the bulletin board at my condo. It said something about HDCA hearing, Tower B, 801 South Street. When I bought my place in January of 2013, I was told that there was one condo coming up next to mine. One condo didn't concern me and I welcomed having neighbors. My realtor reassured me that the value of my property with remain the same. I was totally not aware of a second condo coming up and I'm sure my realtor didn't know about it at the time either. Thus, I started to attend meetings with my neighbors and legislators. We didn't have enough time to prepare, but the community banded together to have our concerns heard by the HCDA at their hearings.

Bottom line, I feel like a total idiot thinking that the HCDA would entertain our pleas to build a more reasonable project for that little space. They ran us over with a power shovel, scooped up the community and threw us aside. The community did the homework and raised many legitimate questions such as the workforce housing pricing analysis, infrastructure capacities, etc. In fact the Chairperson of HCDA accused one of the residents that he was throwing all kinds of reasons on the wall to see which one would stick to delay the project.

I believe that the decision to approve the project was made before the hearings even started.

If we let HCDA run their business as they are now, we may as well take the "COMMUNITY" out of HCDA and rename it the Hawaii Development Authority. I believe that this bill will be a beginning to apply the much needed "control and supervision" of the HCDA.

I urge the committee members to pass this bill with all of its amendments. Mahalo for this opportunity to submit my testimony. Again, please say "YES" to pass this bill.

Grace Ishihara  
[ue-wale0903@hotmail.com](mailto:ue-wale0903@hotmail.com)

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**Cc:** [juggler@aloha.net](mailto:juggler@aloha.net)  
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**HB1866**

Submitted on: 3/30/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Graham Ellis	Individual	Support	No

Comments: Please give your full support to HB 1866 HD2, SD1 – Relating to the Hawaii Community Development Authority. Please support the amendments for 1. notice, hearing, approval, and vesting of rights for development permits. 2. acceptance of cash in lieu of provision of reserved housing. 3. applicants for certain proposed development projects to provide notice of the proposed project to residents and businesses within 300 feet of the proposed project. 4. Establishing a cap amount for HCDA revolving fund and legislative oversight of HCDA bond authority. 5. Prohibiting acquisition of public land by the Authority by set aside. 6. Creating a height limit for Kakaako.

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**To:** [WAM Testimony](#)  
**Cc:** [heather.nishimura@gmail.com](mailto:heather.nishimura@gmail.com)  
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**Date:** Monday, March 31, 2014 2:43:08 AM

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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Heather Nishimura	Individual	Comments Only	No

Comments: Please support this bill.

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To: **Senate Committee on Ways and Means**      Wednesday, April 2, 2014 **9:20AM**

Chair: Sen. David Ige

Vice-Chair: Sen. Michelle Kidani

**HB1866**

**RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY**

**Testimony in SUPPORT with amendments – James Nelson**

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

I am a resident of Kakaako mauka, and I testify in support of the measure, with suggested amendments. I appreciate very much the work of the previous committee on this measure and think it is extremely important that this measure proceed to a meaningful conference committee. The House and the Senate need to agree to a bill clearly reforming how HCDA conducts its business, so that Kakaako mauka can be *developed*, but in a way that results in a livable, multi-faceted, and practical *community*.

With respect to SD1, I note first that EGH in its committee report (SSCR #3056) specifically requested your committee to carefully examine the issue of the composition of the members of the Authority (i.e. the “board”, although that term is not used in HRS 206E). I certainly hope that the Senate can propose a meaningful composition for the “board” that includes a strong representation of Kakaako community residents and small businesses. The HD2 of this measure that passed over to the Senate, as well as the current HRS 206E-3, is far too weighted in favor of the governor’s office and its appointees. As it stands now, the SD1 makes no changes to the HD2 nor to current HRS 206E-3, so if the Senate wishes for this important topic to be included in conference committee, WAM needs to make a substantive proposal concerning composition of the HCDA “board.”

I also bring to the committee’s attention the language that came over from the House in HD2 on page 12, lines 12-17, which purports to legally vest all development rights, apparently in perpetuity, that have once been approved in a master plan permit. I strongly urge the committee to obtain prior concurrence from the chair of EGH and delete this language from SD1, which is an unprecedented statutory attempt to permanently create a cause of legal action in developers against the state in the event that HCDA district rules must be modified at some point in the future. Master plans are and should remain effective only for a fixed number of years, as county or state planning conditions may change over the course of 10 or 20 years and necessitate new HCDA planning rules. Because HB1866 HD2 SD1 already contains a standard “savings clause” on page 27, lines 4-6, the state is currently well protected from potential developer lawsuits with respect to specific individual projects that have already been permitted. The language on page 12, lines 12 – 17, therefore, is unnecessary.

Finally, I am very happy to see that a proposed statutory height limit for new construction remains in the measure (page 17, line 22 through page 18, line 2), and I would like to see this further enhanced with specific language requiring all buildings to be “designed and constructed predominantly on a mauka-makai axis.”

Thank you for your consideration of my testimony, and for moving this measure forward to conference committee.

I strongly support the community's concerns about the HCDA. I was very disappointed that so many bills to reign in their power died along the way this year. The legislature needed to make a strong statement regarding the arrogance of power and their ignoring of the public will. They easily grant variances and rubberstamp every developer and we have little recourse. What items are left are in the public's interest remain in this bill. I hope you will see fit to pass this bill regarding documentation of infrastructure, open space and viewplane orientation, balancing the HCDA board, ensuring more legislative oversight and enable the public to due process. Thank you for your attention to this important bill. Jeremy Lam, 2230 Kamehameha Avenue, Honolulu 96822.

Testimony of  
Julie Nishimura  
Before the  
Senate Committee on Ways and Means  
Wednesday, April 2, 2014, 9:20 a.m., Conference Room 211

**In Strong Support of HB 1866, SD 1**

Dear Chair Ige, Vice Chair Kidani, and Members of the Senate Committee on Ways and Means,

My name is Julie Nishimura, and I strongly **support** HB 1866, SD 1.

With all the news coverage of Kakaako, it is clear that many people share a common vision for this district. Like others, I would like Kakaako to become a vibrant, pedestrian-friendly neighborhood that promotes a high quality of life for its community. I would like to see schools, parks, and open green spaces, with good infrastructure, roads, and utilities, as well as retail services and health services.

Fulfilling these goals is a hefty task, but this legislative bill represents a step in the right direction. It would provide mailed notice of proposed projects to nearby businesses and residents, encouraging the community's participation in the planning process. It would notify the legislature of public hearings regarding developers' requests for variances and exemptions to zoning rules. Requests for variances and exemptions would be evaluated by the entire authority board, rather than a single person or agency. Increased transparency and more rigorous vetting of exemptions would help foster more public trust and support. These investments of effort would benefit the community and developers alike, bringing us a step toward revitalizing Kakaako in a way that everyone can be proud of.

Please pass HB 1866 SD 1.

Thank you very much for the opportunity to submit testimony.

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**To:** [WAM Testimony](#)  
**Cc:** [kadc31999@gmail.com](mailto:kadc31999@gmail.com)  
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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katarina Culina	Individual	Support	No

Comments: Aloha, Please support SD1 version of this bill. Mahalo! Katarina Culina  
P.O. Box 2142 Pahoia, HI, 96778

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**HB1866**

Submitted on: 4/1/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lillian Nishimura	Individual	Support	No

Comments: I support HB 1866 SD 1. Mailed notice should be provided to residents within 300 feet of a proposed project. Tower heights in Kakaako should be kept at 418 feet, so as not to overwhelm the rest of Honolulu. Also, I am concerned about the schools, parks, roads, water, and sewers. For the sake of everyone's safety, health, and welfare, please make sure these are properly assessed and upgraded. Thank you for the opportunity to provide testimony.

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**From:** [Lisa Marten](#)  
**To:** [WAM Testimony](#)  
**Subject:** I Support HB1866 HD2 SD1  
**Date:** Monday, March 31, 2014 11:19:47 AM

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Aloha. Please pass HB1866 HD2 SD1. We need some oversight and controls on development. There is too much room for using HCDA to benefit personal interests.

Sincerely,

Lisa Marten  
Oahu resident

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [lynnehi@aol.com](mailto:lynnehi@aol.com)  
**Subject:** Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
**Date:** Monday, March 31, 2014 9:07:06 PM

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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
lynne matusow	Individual	Support	No

Comments: I strongly support his bill. However, it appears that the latest draft has removed language changing the composition of the HCDA's Board. It is imperative that members of the governor's cabinet be removed. As currently composed, the Board has nine members, four of whom are members of the cabinet. In addition, given that Kaka'ako receives many services of the City and County, there should be at least one City official on the board, even if non-voting. That person would best know what services are available in the area, and which ones are being taxed. Making these changes would give power to those who have a direct nexus to the Kaka'ako area. I would also request that the placeholder effective date of 2020 be amended to July 1, 2014. This bill goes a long way to correct injustices and injudicious decisions made by the HCDA board, which seems intent on giving away the entire store to developers with no regard for those who live and work in the area. Had they acted differently, the HCDA would not be under attack this session. Meanwhile, as this and other bills go forward at the legislature, the HCDA is still holding public hearings and making decisions which may not be able to be undone.  
lynne matusow 60 n. beretania, #1804 honolulu, hi 96817 531-4260

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**Subject:** Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marjorie Erway	Individual	Support	No

Comments: Creating an urban community redevelopment task force that is INDEPENDENT of HCDA and consists of appropriate members is vital to provide the needed oversight to HCDA. Please SUPPORT this bill. And mahalo for your consideration.

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3/30/14

Dear Hawai'i State Legislators,

I strongly support HB 1866 SD 1. Even though I live on the Windward side, this issue has strong implications for all O'ahu residents.

Living in Kailua, I have seen over the past five short years rampant over development in this small beach community. As a result, crime has increased significantly, traffic has stifled commuters, and the once placid Kailua beach is overrun with illegal commercial enterprises and tourists. This was at the hands of Kaneohe Ranch, who rubber stamped many projects with little community oversight, and proved themselves to be very poor stewards of the land.

In a similar vein, I feel that HCDA does not have the community's best interest as their slickly produced PR campaign would imply. It is very clear to all O'ahu residents and outside observers that the proposed Kaka'ako development is a money play for developers.

What disturbed me is that I attended the legislative hearings on the slew of bills related to HCDA. The legislators appeared very concerned and asked appropriate questions to those providing testimony. I walked away from those hearings with a better feeling about our state government, only to see many of those bills die.

In short, please do not let money rule the outcome of this legislation. Giving someone complete stewardship of the land with so much influence from developers and others looking to profit from development is a mistake for our citizens. HCDA needs more oversight from the community who has proven to be much wiser than those looking to make a buck. I urge you to pass HB 1866 HD2 SD1.

Cordially,

Michael Romero

**From:** [Foti](#)  
**To:** [WAM Testimony](#)  
**Subject:** testimony in support of HB 1866 HD2 SD1  
**Date:** Monday, March 31, 2014 3:31:16 PM

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The Hawaii Community Development Authority under current rules is an agency run amok. Before Kakaako and other affected communities can be ruined by rampant development without reasonable oversight, HCDA must be reined in. This bill is essential as a tool to allow citizen input and put some restraints on developers. It is pono. Please do the right thing.

Aloha,

Mollie Foti

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**Subject:** Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
**Date:** Monday, March 31, 2014 1:40:04 PM

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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ralph E. Burr	Individual	Comments Only	No

Comments: Who is benefitted if the Authority accepts cash in lieu of provision for reserved housing? Where will the cash wind up? What difference does it make if residents and businesses have advanced notice of what HCDA will do, when HCDA has already decided what it wants to do and is in the pockets of developers? This bill does not address the problems that exist: HCDA is out of control. Your bill is a sham!

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**Subject:** \*Submitted testimony for HB1866 on Apr 2, 2014 09:20AM\*  
**Date:** Sunday, March 30, 2014 6:48:49 AM

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**HB1866**

Submitted on: 3/30/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robin Kaye	Individual	Support	No

Comments:

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**Date:** Monday, March 31, 2014 7:05:59 AM

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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ron Okamura	Individual	Support	No

Comments:

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COMMITTEE ON WAYS AND MEANS

Senator David Y. Ige, Chair  
Senator Michelle N. Kidani, Vice Chair

**Re: HB1866 HD2 SD1 - Wednesday, April 2, 9:20 a.m., Room 211**

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

I am writing in SUPPORT of the above measure, and urge the Committee to consider adding the following additional protections for the people and environment of Hawai'i:

- Require HCDA to adopt rules and procedures for a contested-case process that provides an individual adversely impacted by an HCDA decision an ability to intervene.
- Change the membership of the HCDA Board from 9 to 12 members, to include a cultural expert and a small business representative, in order to better represent the three existing community development districts – Kakaako, Kalaeloa and Heeia.
- Require comprehensive studies of and planning for needed infrastructure capacity for sewers, roads, utilities, schools and parks to ensure adequate capacity for the proposed 20,000 to 30,000 new residents of proposed development.
- Prohibit the HCDA from amending Kakaako community development district mauka and Makai area plans and rules without prior approval of the legislature, to be passed by concurrent resolution.
- Require that buildings at or above 100 feet in height be oriented in a mauka-makai direction.
- Limit the height of all buildings to 400 feet.
- Require HCDA to hold separate public hearings when considering a developer's request for a variance, exemption, or modification of a community development plan, or HCDA's rules.
- Require any applicant for a development permit notify, by mail, all property owners, lessees, sub-lessees and residents within a 300-foot radius of the perimeter of any proposed project.
- Create an urban community redevelopment task force, appointed by the Legislature, to compile and report recommendations on steps to be taken to ensure that urban community development and redevelopment projects "meet the highest needs and aspirations of Hawai'i's people," consistent with HCDA's mission.
- Initiate a one-year moratorium on all development approvals within the Kakaako Community Development District, in order to effectuate the above.

Mahalo for this opportunity to testify.

Sally Kaye  
511 Ilima Ave.  
Lanai City HI 96763

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**Subject:** Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
**Date:** Tuesday, April 01, 2014 5:05:55 AM

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**HB1866**

Submitted on: 4/1/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sidney Nishimura	Individual	Support	No

Comments: I support HB 1866 SD 1. I agree that a building height limit for Kakaako should be placed into state law. My preference would be 350 feet. Thank you for the opportunity to express my views.

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**Cc:** [ttravis12@mac.com](mailto:ttravis12@mac.com)  
**Subject:** Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
**Date:** Tuesday, April 01, 2014 8:12:56 AM

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**HB1866**

Submitted on: 4/1/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thomas Travis	Individual	Comments Only	No

Comments: I support this bill and ask that it be strengthened. HCDA is a statewide agency (HRS 206E). While HB 1866 HD2 SD1 provides much-needed structure and oversight to HCDA, the bill needs to be strengthened by: 1. Requiring HCDA to adopt rules and procedures for a contested-case process that entitles any person adversely affected by an HCDA decision with the ability to intervene. 2. Requiring comprehensive studies of and plans for the infrastructure capacity of sewers, roads, utilities, schools, and parks to ensure that adequate capacity exists before approving development plans. 3. Denying HCDA the ability to amend community development district plans. Requiring HCDA to hold separate public hearings when considering developers' requests for a variance, exemption or modification of HCDA's rules. 4. Requiring that an applicant for a development permit notify, by mail, all property owners, lessees, sub lessees, and residents within a 300-ft radius of the perimeter of a proposed project. 5. Creating an urban community redevelopment task force appointed by the Legislature to report back to the Legislature with recommendations as to steps that should be taken to ensure that urban community redevelopment projects meet the highest needs and aspirations of Hawaii's people. The task force should be independent of HCDA and consist of planners, architects, and resource capacity specialists along with residents living in a community development district.

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**Cc:** [tjsimms2000@hotmail.com](mailto:tjsimms2000@hotmail.com)  
**Subject:** Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
**Date:** Monday, March 31, 2014 11:01:28 AM

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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
tj simms	Individual	Support	No

Comments: No PLDC look alikes!

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**Date:** Monday, March 31, 2014 1:32:54 PM

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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Virginia Aycock	Individual	Comments Only	No

Comments: Who is benefitted if the Authority accepts cash in lieu of provision for reserved housing? Where will the cash wind up? What difference does it make if residents and businesses have advanced notice of what HCDA will do, when HCDA has already decided what it wants to do and is in the pockets of developers? This bill does not address the problems that exist: HCDA is out of control. Your bill is a sham!

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**Subject:** Submitted testimony for HB1866 on Apr 2, 2014 09:20AM  
**Date:** Monday, March 31, 2014 12:13:10 PM

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**HB1866**

Submitted on: 3/31/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Webster Nolan	Individual	Support	No

Comments: Testimony for April 2, 2014 WAM hearing on HB1866 HD2 SB1 My name is Webster Nolan, owner/occupant of a condominium apartment in Kakaako for the past 20 years and before that a worker in the Advertiser Building from the mid-1960s to mid-1970s. The erratic and sometimes anti-community decisions of the HCDA have become a substantial worry not only in Kakaako but around the state, similar to the public outrage over the late, unlamented PLDC. I'm grateful that the Legislature has been exerting considerable effort in its 2014 session to address many of the concerns of the Kakaako community, and I strongly urge this committee to approve this bill. In particular, I applaud the provisions dealing with contested cases and interventions, development rules and guidance, and public notice procedures. I must mention, however, that the contested case provisions, while offering some protection for the community against arbitrary action by the Authority, tacitly require legal expertise and substantial funds far beyond the capacity of most aggrieved parties. I urge this committee to create a study group to address this matter and make recommendations in time for this and other appropriate Senate and House committees to remedy the problem during the 2015 session. Thank you.

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