



# SCR130/SR78

Measure Title:	CONVENING A WORKING GROUP TO DEVELOP MORE COLLABORATIVE INFORMATION AND DECISION-MAKING POLICIES AND PROCEDURES FOR COMMUNITY ENGAGEMENT AS IT RELATES TO COMMUNITY DEVELOPMENT DISTRICTS.
Report Title:	Hawaii Community Development Authority; Community Engagement
Description:	
Companion:	
Package:	None
Current Referral:	HSH, WAM
Introducer(s):	CHUN OAKLAND, HARIMOTO, Green, Ihara, Shimabukuro



HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY



KAKAKO  
KALAELOA

David Y. Ige  
Governor

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 HUMAN SERVICES AND HOUSING

ON

TUESDAY, MARCH 31, 2015

1:30 P.M.

State Capitol, Conference Room 016

in consideration of

**SCR 130 – CONVENING A WORKING GROUP TO DEVELOP MORE  
COLLABORATIVE INFORMATION AND DECISION-MAKING  
POLICIES AND PROCEDURES FOR COMMUNITY ENGAGEMENT AS  
IT RELATES TO HCDA COMMUNITY DEVELOPMENT DISTRICTS.**

**Position:** I provide the following comments on this concurrent resolution. I note that this testimony represents my own position and not that of the Authority, as the newly composed Authority has not yet held its first meeting.

**Existing HCDA Contested Case Process Promotes Public**

**Participation.** The Authority currently administers its development permit process in accordance with the requirements specified by the Legislature in §§206E-5.6, 91 HRS and Act 61 SLH 2014. I note that contested case proceedings held in accordance with §91 HRS do not allow the public to provide testimony, but instead limit participation only to parties with standing. However, to solicit as much public input as possible, the HCDA has always allowed the public to submit both written and verbal testimony at each public hearing without the witnesses being sworn to tell the truth and subject to cross-examination. The contested case procedure also gives the public the opportunity to intervene and formally require applicants to address their arguments and concerns.

**Existing HCDA Supplemental Public Comment Sessions and Community Briefings Provide Engagement Opportunities.** The Authority currently requires that any prospective development permit applicant make a presentation before the area Neighborhood Board to solicit comments/concerns/suggestions before finalizing their proposal and submittal to the Authority for processing. The HCDA also holds at least two supplemental public comment sessions and community briefings prior to each decision-making hearing on all development permit applications.

These supplemental hearings are always held after the project's initial public hearing so that the public is adequately informed before having the opportunity to comment on the specifics of the project before the Authority. Furthermore, these supplemental hearings are held on a Saturday morning and Tuesday evening to allow a wide range of residents to attend and participate in the review of the project. A court reporter records all the public testimony received at our supplemental public comment sessions and a record is provided to all board members prior to the decision-making hearing.

Monthly community briefings are another way for the public to informally sit down with the HCDA executive director and staff to have their questions and concerns answered directly. All topics are open for discussion, and the Executive Director also provides a summary of upcoming agenda items scheduled for the next Authority meeting. These weeknight briefings enable the public to address issues at the source, without the formal parameters of a public hearing or Authority meeting.

**HCDA Members May Violate Sunshine Law By Sitting on Working Group.** While the Concurrent Resolution does not provide specifications as to the number of Authority members that would sit on the Task Force, it is my belief that the number cannot constitute quorum (five members) for the Authority and participation of any number of members might also be subject to other provisions of §92 HAR (Sunshine Law) and any other applicable statute.

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

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

Testimony of Sharon Y. Moriwaki

Before the

Senate Committee on Human Services & Housing

Tuesday, March 31 at 1:30 p.m.

Conference Room 224

**In Strong Support of SCR 130/SR 78**

**Convening a working group to develop more collaborative information and decision-making policies and procedures for community engagement as it relates to community development districts**

Chair Chun Oakland, Vice-chair Green, and Members:

I am Sharon Moriwaki, Kaka'ako resident and president of Kaka'ako United, a voluntary community organization of citizens seeking to ensure that Kaka'ako is built according to existing laws, plans and rules.

SCR 130/SR78 request the legislature, and, specifically, the Senate Chairs of the Committee on Human Services & Housing and of the Committee on Water and Land to convene a working group of community stakeholders – landowners, developers, small business owners, residents, and HCDA members -- to develop more collaborative information and decision-making policies and procedures that result in meaningful community engagement.

The law (chapter 206E-5.5(a), HRS) requires that HCDA adopt community procedures “to effectively engage the community ... to ensure that community concerns are received and considered by the authority... and any other information that the public may find useful so that it may meaningfully participate in the authority’s decision-making processes.”

This unfortunately has not happened. Community residents have not been heard and development projects have failed to respond to or address the expressed concerns. Kaka'ako Mauka and Makai plans and rules have not been followed; instead, HCDA has consistently facilitated and approved variances and modifications opposed by residents but preferred by developers. We believe that HCDA can and should provide for more informal, collaborative “front end” dialogue among developer, landowner and community members. With the change of HCDA leadership we are hopeful that future HCDA policies and procedures will bring about meaningful dialogue and input involving all those affected by HCDA decisions. SCR 130/SR 78, if adopted, will bring affected stakeholders together to examine existing law, plans, rules and procedures, and to develop procedures resulting in the kind of community envisioned by Chapter 206E.

Thank you for the opportunity to testify.



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March 31, 2015

COMMITTEE ON HUMAN SERVICES AND HOUSING

Senator Suzanne Chun Oakland, Chair

Senator Josh Green, Vice Chair

SCR 130/SR 78

CONVENTING A WORKING GROUP TO DEVELOP MORE COLLABORATIVE INFORMATION AND  
DECISION-MAKING POLICIES AND PROCEDURES FOR COMMUNITY ENAGAEMENT AS IT  
RELATES TO COMMUNITY DEVELOPMENT DISTRICTS

Committee Chair and Members:

Hawaii's Thousand Friends, a statewide nonprofit organization dedicated to comprehensive planning and reasonable, responsible and appropriate land and water use, *supports* convening a working group to help ensure that there is collaboration between Community Development Districts and the community.

Community Development Districts were created by the legislature in 1976 for the purpose of serving the "public interest" in meeting "unmet community development needs."

Each community district is managed by an "authority," which has extensive powers over private and public land such as:

- acquire or reacquire by condemnation real, personal, mixed use property...for public facilities
- by itself or in partnership acquire, reacquire, construct alter or repair any project;
- transfer, exchange, lease or sell any project
- prepare plans and estimate costs for construction, reconstruction of any project and modify plans

While these powers are sweeping community involvement and collaboration has been limited if not non-existent even though HRS 206E-5.5 directs an authority to "...effectively engage the community in which the authority is planning a development project to ensure that community concerns are received and considered by the authority."

The Hawai'i Community Development Authority (HCDA), which oversees Kaka`ako mauka and makai has been particularly unresponsive to community concerns of inappropriate development, approval of variances and modifications, inadequate infrastructure and has set impossible to meet deadlines for community involvement.

Hawaii's Thousand Friends urges the committee to pass these resolutions because it is in the best of the state and the public to ensure that that clear, open and collaborative processes and policies are established for present and future community development districts to follow.

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**Subject:** \*Submitted testimony for SCR130 on Mar 31, 2015 13:30PM\*  
**Date:** Sunday, March 29, 2015 8:43:55 AM

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**SCR130**

Submitted on: 3/29/2015

Testimony for HSH on Mar 31, 2015 13:30PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Henry Curtis	Life of the Land	Support	Yes

Comments:

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**Subject:** Submitted testimony for SCR130 on Mar 31, 2015 13:30PM  
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**SCR130**

Submitted on: 3/27/2015

Testimony for HSH on Mar 31, 2015 13:30PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michelle Matson	CPAC	Support	Yes

Comments: Fully agree and strongly support.

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Forwarding Testimony

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*Geri*  
Office of **Senator Michelle Kidani**  
Phone: 808-586-7100

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*Stefanie Goguen*  
Assistant Committee Clerk – Legislative Assistant  
Office of Senator Laura H. Thielen

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**From:** Cinnie Frith [<mailto:cfrith@fbsmgt.com>]  
**Sent:** Sunday, March 29, 2015 11:28 AM  
**To:** WTLTestimony  
**Subject:** SCR130-SUPPORT

I'm in strong support of any legislation that creates open, inclusive and constructive activity between the public and legislators.  
Mahalo for the opportunity to testify.  
Cinnie Frith  
Kailua, Oahu

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HSH Testimony](#)  
**Cc:** [connie.smyth54@gmail.com](mailto:connie.smyth54@gmail.com)  
**Subject:** \*Submitted testimony for SCR130 on Mar 31, 2015 13:30PM\*  
**Date:** Monday, March 30, 2015 2:25:49 PM

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**SCR130**

Submitted on: 3/30/2015

Testimony for HSH on Mar 31, 2015 13:30PM in Conference Room 016

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

Comments:

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**Date:** Monday, March 30, 2015 12:20:51 PM

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**SCR130**

Submitted on: 3/30/2015

Testimony for HSH on Mar 31, 2015 13:30PM in Conference Room 016

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

Comments: My wife and I are in strong support of this legislation which will go far to improve the State's planning process.

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**From:** WTLTestimony  
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*Stefanie Goguen*  
Assistant Committee Clerk – Legislative Assistant  
Office of Senator Laura H. Thielen

-----Original Message-----

From: Mary Hardy [<mailto:georgeandmary@me.com>]  
Sent: Sunday, March 29, 2015 8:58 AM  
To: WTLTestimony  
Subject: SCR 130

Aloha,

I strongly support this attempt to develop collaboration in the development of Kaka'ako among the various interests. However, if the citizens have no real power in the process in the end then this may turn out to be a well intended but ineffective exercise.

I became involved quite by accident in the HCDA and legislative process as a result of the development in Kaka'ako where I live. I was offended by the manner and the process with which the HCDA treated the public and participants who were ordinary citizens asking to be a part of the process. It became so bad that one speaker who disagreed with the HCDA Board at one meeting was shouted at by the Chair and hounded out of the meeting. He is a young engineer who is an analyst for the Navy, who exposed many of the inconsistent facts and assumption the HCDA used to approve the 801 Project. He and his family has since moved out of Kaka'ako. The citizens after some time held a march to speak to the legislature on a Saturday where they related being crossed

examined, made to wait inordinate times to speak, sudden changes in the schedule requiring them to wait many many hours to speak. Citizens have been faced down and cross examined by Mr. Ching, who one one occasion gave over an hour of rebuttal to the 801 South St. project concerns of the petitioners while allowing the petitioners 3 minutes. When I asked Mr. Ching what could the public do or say or present to them(HCDA) which would change their direction in any material way he answered honestly, I think, "nothing". I thank him for that and I have not been back since.

We contacted our legislators who said they would "reign in" the HCDA. The resulting appeals process is a master work in obstruction of public input by the legislature. A citizens is required to almost make a legal case with substantiation, documentation, witnesses, and evidence all complying with legal requirements which few are qualified, or have the time to assemble. In effect the "reigning in" was to stop all local community input, unless you are willing to hire a lawyer.

Mahalo for your efforts,

George Outlaw

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**SCR130**

Submitted on: 3/29/2015

Testimony for HSH on Mar 31, 2015 13:30PM in Conference Room 016

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

Comments: I strongly support this resolution. We can NEVER obtain enough community input into future development. Public engagement has thus far been ignored or given a token nod. Thanks you for the oportunity to testify. Jeremy Lam.

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**Cc:** [lynnehi@aol.com](mailto:lynnehi@aol.com)  
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**Date:** Sunday, March 29, 2015 12:48:45 PM

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**SCR130**

Submitted on: 3/29/2015

Testimony for HSH on Mar 31, 2015 13:30PM in Conference Room 016

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

Comments: Comments: Please accept this testimony as strong support for SCR130. Unfortunately it has come to this, the legislature overseeing the HCDA. While I have strong hopes for the newly installed HCDA Board, they have not yet met. The former maligned board, abetted by its Executive Director Tony Ching, were willing to give away this precious lei of green to developers, foreigners who have no sense of place of Kaka'ako, and others with grandiose ideas which would cost the taxpaying public and visitors to use, this is Honolulu's back yard and needs to be reserved as such, for hiking, basking, reading, playing team sports, just enjoyment, passive and active park use. No restaurants. No ice skating rinks. No leases to private entities. No high rise development. The decision making for what is proper, and to follow plans, should be left to those who reside and work in the district, and other working class people looking for an affordable home. As regards the mauka section, it cannot become another downtown/Chinatown, with inadequate active and passive park space, a place where residents fight bars because of noise. It needs to become a vibrant community where people can work, play, walk, ride bikes, dine, attend cultural events, etc. Please pass this reso. By doing so you will send a message that the abuses of the past will no longer be tolerated, that a new day has come, that real people come first, not entrenched bureaucrats and those looking to make a fast buck. lynne matusow, 60 n. beretania, #1804, honolulu, hi 96817 531-4260

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**SCR130**

Submitted on: 3/30/2015

Testimony for HSH on Mar 31, 2015 13:30PM in Conference Room 016

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

Comments: I support passage of SCR 130. The working group's goal to "develop more collaborative information and decision making policies and procedures for community engagement as it relates to community development districts" is long overdue and should be encouraged. I suggest the City & County of Honolulu Departments of Transportation Services and Environmental Services; and the State Department of Education be considered as members of the working group. Thank you for allowing me the opportunity to ask for your support.

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**Date:** Sunday, March 29, 2015 6:41:20 AM

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**SCR130**

Submitted on: 3/29/2015

Testimony for HSH on Mar 31, 2015 13:30PM in Conference Room 016

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

Comments: We strongly support. Trudy and Victoria Cannon

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