



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAOKO
KALAELOA

David Y. Ige
Governor

John Whalen
Chairperson

Garett Kamemoto
Interim Executive Director

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Honolulu, Hawaii
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STATEMENT OF

GARETT KAMEMOTO, INTERIM EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE
HOUSE COMMITTEE ON WATER AND LAND
AND
HOUSE COMMITTEE ON TRANSPORTATION

Wednesday, February 7, 2018

11:15 a.m.

State Capitol, Conference Room 325

in consideration, of
**HB2275 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT
AUTHORITY**

Chairs Yamane and Aquino, Vice Chairs Todd and Quinlan, and Members
of the House Committees on Water and Land and Transportation.

This testimony reflects my view alone. The Hawaii Community
Development Authority (HCDA) has not acted on this measure.

In my capacity as the HCDA Interim Executive Director, I respectfully
offer comments on HB 2275. This bill requires owners of private streets,
highways, or thoroughfares in an HCDA development district to conform and
maintain private roads to county standards.

We note that there are a number of private land owners in the Kakaako
district and have attached a map of street owners.

Thank you for to opportunity to comment on this bill.

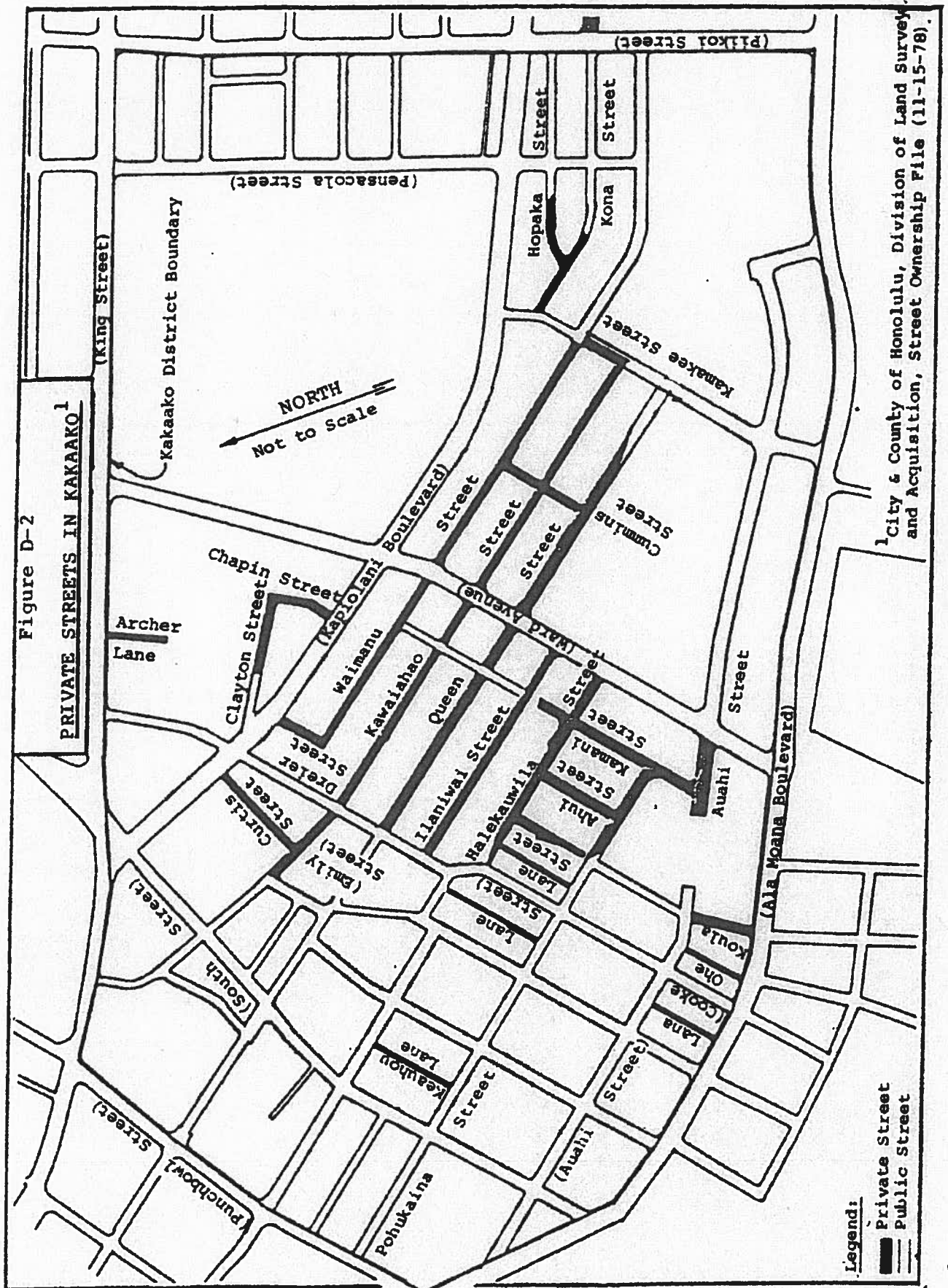


Table D-3

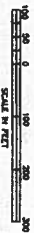
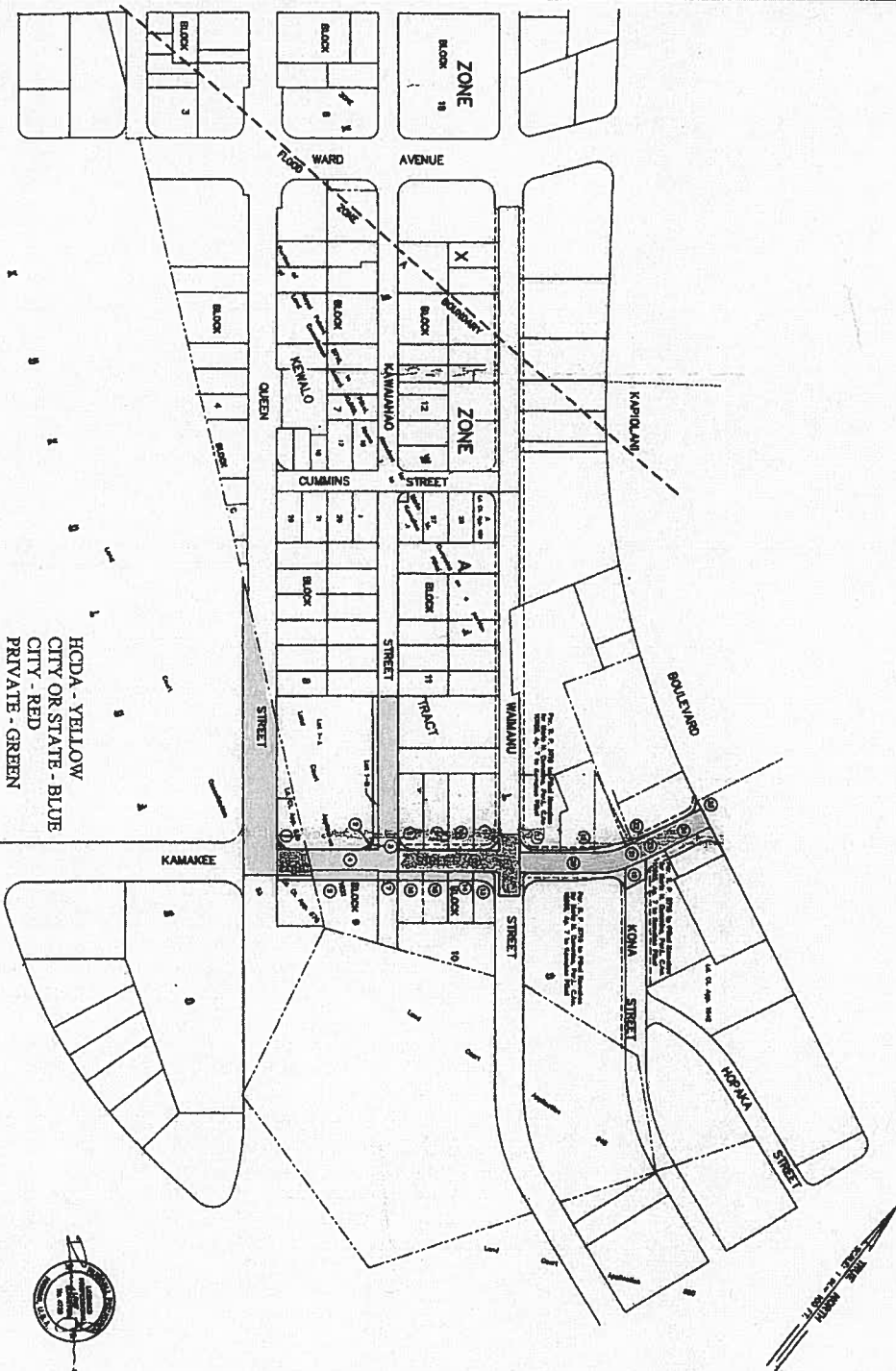
PRIVATE STREETS IN KAKAAKO

<u>Street</u>	<u>Limits</u>	<u>Owner</u>
Ahui	Pohukaina to Halekauwila	Victoria Ward, Ltd.
Archer Lane	King (makai)	Various ¹
Auahi	Ewa of Kamani to Ward Avenue	Victoria Ward, Ltd.
Chapin	Kapiolani Boulevard to Clayton	Various ²
Clayton	Kapiolani Boulevard to Chapin	Various ²
Cummins	Queen to Waimanu	Desky ³
Curtis	Kawaiahao to Kapiolani Boulevard	Unknown
Dreier	Waimanu to Kapiolani Boulevard	Unknown
Halekauwila	Cooke to Ward Avenue	Victoria Ward, Ltd.
Hopaka	Kona to Ewa of Pensacola	Hawaiian Dredging Company, Ltd.
Ilaniwai	Cooke to Ward Avenue	Unknown
Kamakee	Queen to Waimanu	Desky ³ and E. E. Black, Ltd.
Kamani	Auahi to Ilaniwai	Victoria Ward, Ltd.
Kawaiahao	Emily to Kamakee	Desky ³
Keauhou	Pohukaina to Halekauwila	B. P. Bishop Estate
Kona	Kamakee to Waikiki of Hopaka	Hawaiian Dredging Company, Ltd.
Koula	Ala Moana Boulevard to Auahi	Unknown
Koula	Pohukaina to Halekauwila	Victoria Ward, Ltd.
Lana Lane	Ala Moana Boulevard to Auahi	Unknown
Lana Lane	Pohukaina to Halekauwila	B. P. Bishop Estate
Ohe Lane	Ala Moana Boulevard to Auahi	Unknown
Ohe Lane	Pohukaina to Halekauwila	Unknown
Pohukaina	Koula to Kamani	Victoria Ward, Ltd.
Queen	Cooke to Waikiki of Kamakee	Unknown
Waimanu	Dreier to Kamakee	Unknown

¹ Owners of record: Bernice Jaeger Wolters, Paloma Jaeger Kuhn, Samuel Clesson A. Jaeger, James Emile Jaeger, and Joanne Z. Wolters.

² Owners of record include Honolulu Construction and Draying Company, Ltd. and owners of TMK 2-1-44, Parcels 6, 7, 10, 21, 22, 23, 24, 25, 27, 29, 30.

³ Heirs of Charles S. Desky, Trustee, Deceased.



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FILE 1241

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KEY MAP

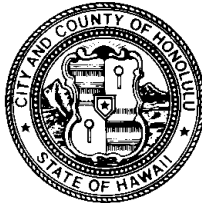
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9. NAME	9. DATE	9. BY	9. REVISION
10. NAME	10. DATE	10. BY	10. REVISION

NAME: KAMAHA COMMUNITY DEVELOPMENT DISTRICT
 ADDRESS: KAMAHA COMMUNITY DEVELOPMENT DISTRICT
 PHONE: (808) 935-1234
 FAX: (808) 935-1235
 E-MAIL: kama@kama.gov

DEPARTMENT OF FACILITY MAINTENANCE
CITY AND COUNTY OF HONOLULU

1000 Ulu'ohia Street, Suite 215, Kapolei, Hawaii 96707
Phone: (808) 768-3343 • Fax: (808) 768-3381
Website: www.honolulu.gov

KIRK CALDWELL
MAYOR



ROSS S. SASAMURA, P.E.
DIRECTOR AND CHIEF ENGINEER

EDUARDO P. MANGLALLAN
DEPUTY DIRECTOR

IN REPLY REFER TO:
18-028

February 6, 2018

TO: THE HONORABLE RYAN I. YAMANE, CHAIR
THE HONORABLE CHRIS TODD, VICE CHAIR
AND MEMBERS OF THE COMMITTEE ON WATER AND LAND

THE HONORABLE HENRY J.C. AQUINO, CHAIR
THE HONORABLE SEAN QUINLAN, VICE CHAIR

FROM: ROSS S. SASAMURA, P.E.
DEPARTMENT OF FACILITY MAINTENANCE

SUBJECT: OPPOSITION TO HB2275

The City and County of Honolulu (City) strongly opposes HB2275, which requires certain private streets, highways, or thoroughfares in a development district that is under the jurisdiction of the Hawaii Community Development Authority (HCDA) to conform to county standards.

Although the City disputes ownership of certain roads located on the island of Oahu, the City is concerned that this measure requires it to bring all roads under its ownership within HCDA development districts such as Kakaako and Kalaeloa to City standards. The City and its taxpayers will incur hundreds of millions of dollars in costs to comply with this measure.

Additionally, many businesses and residents with properties in these areas and abutting City streets that are unimproved or do not meet present City standards for underground utilities, drainage, and sidewalks with compliant access, will lose present and existing uses of their respective frontage and potentially some portion of their parcel if the existing right-of-way requires widening. The long lasting financial, operational, and functional impacts of this measure are detrimental to the City, property owners, businesses, and residents.

Thank you for your consideration of this testimony in opposition.



TESTIMONY TO THE COMMITTEES ON WATER AND LAND AND TRANSPORTATION

Wednesday, February 7, 2018 11:15 a.m.

State Capitol, Conference Room 325

TO: The Honorable Ryan I. Yamane, Chair of Water and Land
The Honorable Chris Todd, Vice Chair
Members of the Water and Land Committee

The Honorable Henry J.C. Aquino, Chair of Transportation
The Honorable Sean Quinlan, Vice Chair
Members of the Transportation Committee

PROVIDING COMMENTS ON HB2275 RELATING TO HCDA

I am Stafford Kiguchi with Bank of Hawaii providing comments on HB2275 relating to the Hawaii Community Development Authority. This bill would require certain private streets, highways, or thoroughfares in a development district of the HCDA to conform to county construction and maintenance standards. Additionally, it would require owners of private streets, highways, or thoroughfares in a development district to be responsible for the costs of conforming and maintaining the private roads to county standards. It authorizes private civil injunctive actions in the circuit courts to enforce compliance.

Bank of Hawaii is on title to a number of roads, although none in Kakaako, which were acquired when it purchased Hawaiian Trust and Bishop Trust companies in the 1980s. Decades ago, when the homes adjacent to these roads were developed and deeded to the homeowners by the trust companies as agent for the developers, these roads, by right, should have been dedicated to the city. However, for unknown reasons, that transfer never occurred and legal title appears to have remained in the trust companies and subsequently with Bank of Hawaii as successor in interest.

Over the decades, the bank has never attempted to exercise any rights of ownership and these roads have remained open to the public with unrestricted access for cars, buses, refuse trucks, and emergency vehicles, etc. We recognize the fact that ongoing maintenance along certain privately owned roads or roads where there is a dispute of ownership is a longstanding issue.

MORE

We would like to offer two suggestions for consideration to help clarify certain aspects of the bill:

1. If the measure is intended to focus on the Kakaako district, we would like to suggest that this intention be clearly stated since it is possible for HCDA's jurisdiction to extend to other geographic areas beyond the Kakaako Community Development District.
2. There are many private roads whereby the owner is passive and where the roads are open for public benefit with no restrictions regarding public use. In these cases, the owner accrues no financial gain or other positive benefit. We would like to suggest that this bill limit its application to those owners of roads who choose to exert their rights of ownership and by doing so benefit financially. Only in those instances would it seem reasonable and fair to expect that the owners share in at least some responsibility for repairs, maintenance and/or upgrades.

Thank you for your consideration of these recommendations and the opportunity to testify.

Stafford Kiguchi
Executive Vice President, Bank of Hawaii
808-694-8580

HB-2275

Submitted on: 2/3/2018 4:03:14 PM

Testimony for WAL on 2/7/2018 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:

HB-2275

Submitted on: 2/5/2018 11:47:22 PM

Testimony for WAL on 2/7/2018 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharon Miyashiro	Hawaii Energy Policy Forum	Support	No

Comments:

In strong support of HB2275. See attached testimony.

Testimony of
Dexter Okada, President
U. Okada & Co., Ltd.
Before the

COMMITTEE ON WATER & LAND

Rep. Ryan I. Yamane, Chair

Rep. Chris Todd, Vice Chair

COMMITTEE ON TRANSPORTATION

Rep. Henry J.C. Aquino, Chair

Rep. Sean Quinlan, Vice Chair

February 7, 2018, Committee Hearing

Conference Room 325

11:15AM

House Bill 2275

Relating to The Hawaii Community Development Authority

Chair Yamane, Chair Aquino, and Committee Members:

I am in support of House Bill 2275(HB2275).

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.

Kaka'ako is the home of many small businesses and residences. It is also the destination of many people from outside of the Kaka'ako community. What we all hold in common is the desire for well paved roads. HB2275 will lead us in that direction.

Thank you for allowing me to testify.

Dexter Okada

Musicians' Association of Hawai'i

LOCAL No. 677, American Federation of Musicians

STEVE PEARSON
President

JAMES F. MOFFITT
Vice President

ROBERT SHINODA
Secretary-Treasurer



HOUSE OF REPRESENTATIVES THE TWENTY-NINTH LEGISLATURE REGULAR SESSION OF 2018

COMMITTEE ON WATER & LAND

Rep. Ryan I. Yamane, Chair
Rep. Chris Todd, Vice Chair

COMMITTEE ON TRANSPORTATION

Rep. Henry J.C. Aquino, Chair
Rep. Sean Quinlan, Vice Chair

Rep. Ty J.K. Cullen
Rep. Sam Satoru Kong
Rep. Chris Lee

Rep. Nicole E. Lowen
Rep. Angus L.K. McKelvey
Rep. Cynthia Thielen

Rep. Tom Brower
Rep. Mark J. Hashem
Rep. Nadine K. Nakamura

Rep. Joy A. San Buenaventura
Rep. Bob McDermott

RE: HB2275 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

DATE: Wednesday, February 7, 2018
TIME: 11:15 AM
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

Aloha Chair Yamane, Chair Aquino, Vice Chair Todd, Vice Chair Quinlan and members of the committees,

Thank you for the opportunity to testify on HB2275. Our Association **strongly supports** this bill.

Our Association has owned our property located at 949 Kapi'olani Boulevard since 1969. The parallel street behind our building is Waimanu Street, which is a privately-owned street apparently. We were unaware of this status until recently when, after the street was widened for a development project adjacent to our property, several parking stalls were placed appeared in areas previously designated as no-parking areas.

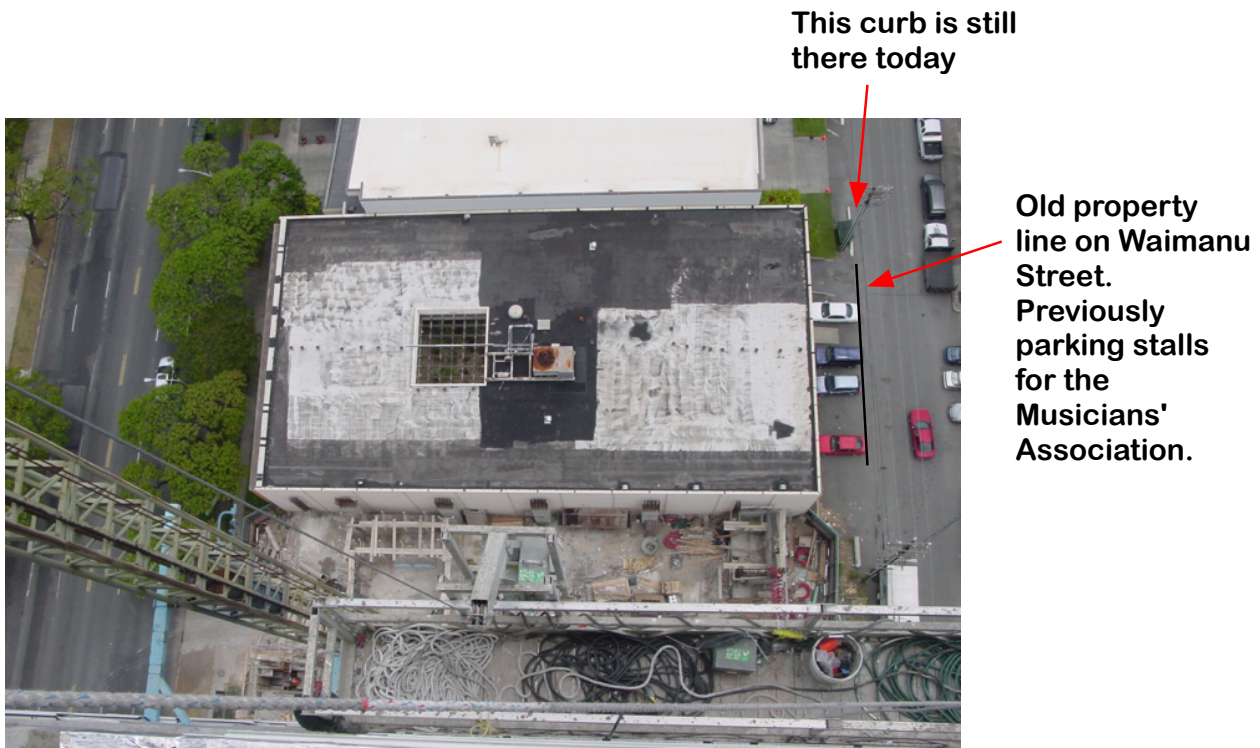
To our knowledge, all past maintenance, including lighting and repaving, on the road had been performed by the City and County. Until HCDA started requiring new projects, such as 909 Kapi'olani and Pacifica (projects also developed along Waimanu Street) to grant easements to allow the thoroughfare to be widened and sidewalks built, there had not been any noticeable activity by entities other than government agencies on Waimanu Street.

One only needs to walk around other contested streets in our neighborhood of Kaka'ako to see that most of these streets are in poor condition. Only streets where private developers were recently required to make improvements by HCDA are passable. If private owners of the streets are able to profit off of improvements made by private landowners in order to be compliant with State regulations, they should be held accountable for the condition of those thoroughfares.

Respectfully,

Steve Pearson, President AFM Local 677

949 KAPIOLANI BOULEVARD HONOLULU, HAWAII 96814-2196 • PHONE (808) 596-2121 • FAX (808) 593-2526
local677@afm.org • www.afm.org • www.musicianshawaii.com



Taken in 2007 before Waimanu Street was widened.

HB-2275

Submitted on: 2/5/2018 11:38:36 AM

Testimony for WAL on 2/7/2018 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Price		Support	No

Comments:

HB 2275 is important for the safety of the people who drive and walk on privately owned streets. All too often the streets deteriorate badly after construction.

Two main reasons for the deterioration are (1) the street was built to to an inadequate standard and / or (2) lack of maintenance and upkeep by the private owner and the County.

The result is streets, often in busy congested neighborhoods, with enormous potholes, tripping hazards, freestyle parking and lack of street cleaning. All this and more is easily seen on a simple tour of Kakaako, where streets that are claimed by a private owner show no signs of having been cared for in a decade or more. That doesn't stop the owners from charging outrageous rent to park on their roads (under penalty of being towed) while they pocket the proceeds.

Having a legal remedy to require such roads to be properly maintained will benefit the public and is totally fair to the owners.

Thank you for considering this bill favorably.

John Price

HB-2275

Submitted on: 2/5/2018 11:40:20 PM

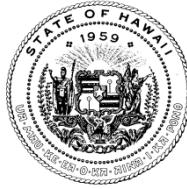
Testimony for WAL on 2/7/2018 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bernard Nunies		Support	No

Comments:

As a 10+ year resident of Kakaako, I support HB2275 that makes it clear that owners of private streets, highways or thoroughfares within the development district are responsible for meeting the county's construction and maintenance standards.

DAVID Y. IGE
GOVERNOR



Testimony by:
JADE T. BUTAY
INTERIM DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 7, 2018
11:15 a.m.
State Capitol, Room 325



HB 2275
RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

House Committee On Water & Land
and
House Committee on Transportation

The Department of Transportation (DOT), **supports** this bill to resolve maintenance issues for privately owned roads in development districts under Chapter 206E, HRS. We would also like to point out for clarification purposes that the DOT does own State Roads that pass through or are within HCDA development districts such as Ala Moana Boulevard in Kakaako and a few roads in Kalaeloa. All State roads in the area are on a maintenance cycle and are managed to State standards.

Thank you for the opportunity to provide testimony.

LATE

HB-2275

Submitted on: 2/7/2018 6:48:18 AM

Testimony for WAL on 2/7/2018 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stewart M. Chong		Support	No

Comments:

I agree with this Bill 2275, that the "Land Owner" of the private road maintain it to the rules and standards of the City and County of Honolulu.

I have been at my location since 1997 (815 Kawaiahao St.). The road conditions are so poor since about 2012 that it has caused damage to my personal vehicles. Drivers who use this street drive on both sides of the road in the same direction. Even passing a vehicle that is driving too slow to avoid the potholes or obstructions (uneven tarmac). Its also dangerous for pedestrians and cyclists.

Something needs to be DONE!!!

Thank you,

Stewart M. Chong

Business and Residents Of Kakaako Community

LATE

February 6, 2018

House Water & Land, Transportation Committee
Hawaii State Capitol
Room 325.

LATE

Dear sir,

We Support HB 22275 that makes it clear that owners of private streets, within the HCDA district are responsible for meeting the county's construction and maintenance standards. The HCDA has over 20 private streets and many are disrepair with large potholes and ill-maintained and unsafe streets that damage the vehicles and are unsafe for pedestrian and bicyclist that continuously use them. Owners have been charging businesses abutting these streets for parking but have not repaired these roads. HB 2275 addresses a dangerous problem facing the residents, businesses and users of these roads by requiring owners to maintain the roads and, if they do not, allows a civil action be brought against them so that the roads are properly maintained.

sincerely,



Bob Emami

LATE
LATE

Testimony of
Michael W Macdonald, Vice President
Macdonald & Porter Inc.
Wednesday, February 7, 2018
Joint House Water & Land Committee and Transportation Committee public hearing
Regarding proposed H.B # 2275

As a small business owner in the central Kakaako area, I have experienced the detrimental effects of having a private entity use their purported ownership of the roadways for their own personal enrichment. The current situation is unsustainable and has resulted in undue hardship for businesses and residents in the form of lack of basic roadway maintenance and ambiguity of parking and access along these roads.

In recent months there have been numerous steps taken by public agencies and private parties to try to come up with short and long term solutions to the issues facing the Kakaako roadways in dispute. While I would prefer a solution that brings these disputed roads under public control, HB2275 does effectively address the short-term issue of public safety and maintenance.

Over the past several years, the purported owners of the affected streets have profited from the rental of parking stalls on these streets. During this time minimal to no maintenance has been done to keep these roadway in a safe condition for pedestrians or drivers. The roadways have fallen into disrepair with large potholes and limited, unsafe pedestrian access. HB2275 is a step in the right direction to get the roadways up to a county standard that will allow safe usage by the public. These roadways are main thoroughfares in an increasingly busy area of Honolulu. These roads should absolutely be maintained to county and/or state standards.

While I ultimately would like to see public control of these streets, I do support HB2275 in its current form and believe it will help to make this area safer for pedestrians and drivers in the Central Kakaako area.



Michael Macdonald

Macdonald & Porter Inc.