

STAND. COM. REP. NO.

3546

Honolulu, Hawaii

APR 11 2008

RE: S.R. No. 108
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred S.R. No. 108 entitled:

"SENATE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO DEFER DECISIONS ON ANY APPLICATIONS FOR ZONING CHANGES UNTIL THE COMPLETION OF THE SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT PROCESS AND THE SUBSEQUENT ADOPTION OF THE DRAFT MAUKA AREA PLAN AND THE MAUKA AREA RULES, "

begs leave to report as follows:

The purpose of this measure is to address the interests of the Kaka'ako business community by requesting the Hawaii Community Development Authority to defer decisions on any applications for zoning changes until the completion of the supplemental environmental impact statement process and the subsequent adoption of the Draft Mauka Area Plan and the Mauka Area Rules.

Testimony in support of this measure was received from the Kakaako Business and Land Owners Association, a member of the Kaka'ako Makai Community Planning Advisory Council, and two individuals, including a small business owner in the central Kaka'ako district. The Hawaii Community Development Authority (HCDA) presented oral testimony explaining the timetable for completion of its Mauka Area Plan and for review of the master plan applications in conjunction with the Mauka Area Plan. General Growth Properties, Inc. (GGP), submitted comments.



Your Committee finds that business owners in Kaka'ako have been working together with the HCDA for several years to develop a Mauka Area Plan, which is currently in its supplemental environmental impact statement stage. Many of these business owners have expressed strong reservations that any decisions for zoning or other changes that are approved before the Mauka Area Plan is completed may undermine the planning process, and disrupt the participation from stakeholders and residents.

Your Committee further finds that as the planning and rulemaking process is reaching the critical phase of public review, it would be prudent to delay any decisions for zoning or other changes until that process is completed. If not, there is at minimum a strong perception that the HCDA is undermining its Mauka Area Plan development process if pending master plan applications that will have a significant long-term effect on businesses and residents of Kaka'ako are acted upon prior to adoption of the final Mauka Area Plan.

Your Committee has amended this measure by:

- (1) Clarifying and correcting the WHEREAS clause related to the process and anticipated timeframes for the approval of the GGP Master Plan;
- (2) Clarifying and correcting the WHEREAS clauses related to the process and anticipated timeframes for the adoption of the Mauka Area Plan and the Mauka Area Rules; and
- (3) Adding an alternative option in the BE IT RESOLVED clause to request the HCDA to report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2009 on the steps the HCDA has taken to provide the fullest extent of public review and scrutiny of its actions on the GGP Master Plan application and the considerations for its decision on the application.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 108, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 108, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Water and Land,

for Bruce S. Kohrt
CLAYTON HEE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SR 108	Committee Referral: WTL	Date: 4/9/08
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
FUKUNAGA, Carol	/			
TOKUDA, Jill N.	/			
WHALEN, Paul				/
TOTAL	4			1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Russell S. Kohl

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*Only one measure per Record of Votes