

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8480 • Fax: (808) 768-4567
Web site: www.honolulu.gov

PETER B. CARLISLE
MAYOR



COLLINS D LAM, P.E.
DIRECTOR

LORI M. KAHKINA, P.E.
DEPUTY DIRECTOR

February 10, 2011

The Honorable Joseph M. Souki, Chair
and Members
Committee on Transportation
State Capitol
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

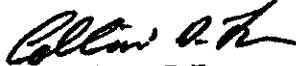
Subject: House Bill No. 494, Relating to Development

The Department of Design and Construction (DDC) respectfully **opposes** HB494. Although we understand and appreciate efforts to ensure that highway improvements are in place by the time developments are completed, the bill as written would be impractical to implement for many projects that are included in the definition of "Development" in Hawaii Revised Statutes, Section 46-141.

The referenced section indicates that, "'Development' means any artificial change to real property that requires a grading or building permit as appropriate, including, but not limited to, construction, expansion, enlargement, alteration, or erection of buildings or structures." Thus, renovation or replacement of an existing building that included driveway improvements within the county right-of-way would be subject to the proposed legislation and would need to begin construction of the driveway improvements prior to issuance of any grubbing, grading, excavation, or building permits for the project. This would be impractical, because the work would typically be approved as a single project and awarded as a single construction contract. If the driveway improvements involved grading activity, the activity could not legally commence until the grading permit was issued. Accordingly, DDC respectfully **opposes** HB494 and recommends that the bill be limited to developments for which off-site highway capacity improvements are conditions of project approval.

Thank you for the opportunity to testify.

Very truly yours,

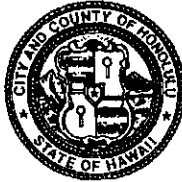

Collins Lam, P.E.
Director

CDL:WB:hm

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluluodpp.org • CITY WEB SITE: www.honolulu.gov

PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

February 14, 2011

The Honorable Joseph M. Souki, Chair
and Members of the Committee on Transportation
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

**Subject: House Bill No. 494
Relating to Development**

The Department of Planning and Permitting **opposes** House Bill No. 494, which requires the county official responsible for issuance of any grubbing, grading, excavation, or building permit for any portion of a development, to first certify that all conditional county and state highway improvements for the development have been completed or are under construction at the time of issuance of the permit.

We have several concerns. First, the proposed bill as written is too vague as it does not explain what it intends to achieve. There is no statement of purpose or description of the issue or problem that the bill is supposed to address making it difficult to determine the usefulness of this bill.

Second, the bill is overly broad since it affects all development as defined in Section 46-141, which includes any type of construction, expansion, enlargement, alteration, or erection of buildings or structures. Further, the proposed bill is an excessively burdensome regulation that applies indiscriminately to both large and small projects and will impact existing homeowners and small businesses that apply for building or grading permits for what may be very simple projects such as solar panel installation, replacement of outdated electrical wiring, plumbing work, a chain-link fence, etc. Many small property owners will have no idea what their project has to do with county or state highway improvements.

Third, the proposed bill is unnecessary and a case of overregulation. County agencies that regulate development have the in-house expertise to review and determine the extent and the timing of any roadway or highway improvements that a development may require. In fact, many roadway improvements are completed or under construction simultaneously with the construction of the development itself whether it is a new apartment building, a regional shopping center or a 100-lot single-family dwelling subdivision. As such, this bill is redundant, since the county already has existing rules and regulations regularly enforced for roadway improvements.

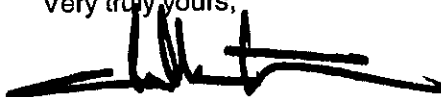
The Honorable Joseph M. Souki, Chair
and Members of the Committee on Transportation
House of Representatives
Re: House Bill No. 494
February 14, 2011
Page 2

Finally, the bill does not contemplate the situation where the county or state highway improvements required are part of the development itself.

Essentially, this bill may stop all private developments big or small in areas where the government has failed to do its part in completing regional infrastructure improvements as in Kapolei, Ewa, etc. Accordingly, we believe that House Bill No. 494 is flawed, and we respectfully request that it be filed.

Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David K. Tanoue', with a long horizontal flourish extending to the right.

David K. Tanoue, Director
Department of Planning and Permitting

DT:
hb494-Dev-mf.doc



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

HOUSE COMMITTEE ON TRANSPORTATION
February 14, 2011, 9:00 A.M.

(Testimony is 1 pages long)

TESTIMONY IN SUPPORT OF THE INTENT OF HB 494

Aloha Chair Souki and Members of the Committees:

The Hawai'i Chapter of the Sierra Club, with 8,000 dues-paying members and supporters, *supports the intent* of HB 494. This measure requires all conditional county and state highway improvements be completed or under construction before issuing any grubbing, grading, excavation, or building permits.

The intent of this measure is to improve smart growth policies on our islands based on land use planning, help ensure proper allocation of finite infrastructure resource dollars, and discourage large landowners from failing to complete promised conditional improvements.

This measure might have stopped some of the problems at Turtle Bay. In that case, after the landowner received conditional land use approval it commenced numerous self-profiting improvements such as developing a world-class golf course. But nearly 25 years elapsed without construction of needed conditional requirements, such as highway and traffic improvements. These conditions were promised to the public and were part of the justification for the land use reclassification, but were never delivered.

Because of the Turtle Bay landowners' failure to build the improvements promised to the public, the State has for several years now started budgeting the funding to build the improvements. This is a needless and unnecessary expense. And bad land use planning.

We understand the severity of the measure may draw objection, particularly in phased construction projects. We are willing to work with stakeholders to come up with a measure that reasonably fulfills the intent of HB 494.

Thank you for this opportunity to provide testimony.