

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

January 31, 2011

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE COMMITTEE(S) ON TRANSPORTATION AND
PUBLIC SAFETY & MILITARY AFFAIRS

HOUSE BILL NO. 929

The Department of Transportation has concerns with H.B.929, which would designate the area surrounding each rail transit station of the Honolulu high-capacity transit corridor project as the Honolulu rail transit corridor development district under the jurisdiction of the Hawaii Community Development Authority.

There are numerous rail transit stations that are located on or near property under the jurisdiction of the Department of Transportation and subject to oversight by federal agencies. The airports, for example, are heavily regulated by federal assurance grants that strictly dictate permissible activities, structures, and businesses. Likewise, a majority of DOT highways have been subsidized by federal funds. As the recipient-agency of such federal grants and funds, we are legally and contractually obligated to ensure compliance with such terms and conditions. It is unclear whether

Furthermore, on an ongoing basis, if certain portions of DOT facilities are parceled out to fall under the jurisdiction of HCDA, then that may result in inconsistent and unreliable facilities in our airports and highways. Such discrepancies have the potential to create dangerous and unsafe conditions to the travelling public. Instead, the areas under the DOT's jurisdiction should remain intact to ensure safe, reliable, and federally-compliant transportation facilities and infrastructure.

Finally, under Revised Ordinances of Honolulu §§ 21-9.100, et seq., the City and County of Honolulu has already created a transit-oriented development ("TOD") zone, which includes parcels of land that fall within 2,000 feet of a transit station. This may present a conflict with the proposed bill, as it covers the same geographic area.

The DOT appreciates the opportunity to present its concerns regarding H.B. 929.



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAAKO
KALAELOA

Neil Abercrombie
Governor

C. Scott Bradley
Chairperson

Anthony J. H. Ching
Executive Director

STATEMENT OF

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

BEFORE THE

HOUSE COMMITTEE ON TRANSPORTATION

MONDAY, JANUARY 31, 2011

8:30 A.M.

State Capitol, Conference Room 309

**H.B. 929 - RELATING TO THE HAWAII COMMUNITY
DEVELOPMENT AUTHORITY**

Purpose: Establishes a HCDA Rail Transit Corridor Community Development District around **EACH** rail transit station of the Honolulu High Capacity Transit Corridor.

Position: The HCDA takes no position on the proposal and offers the following comments as it relates to establishing Transit Oriented Development (TOD) regulations within the Kakaako and Kalaeloa Community Development Districts.

Establish a HCDA Rail Transit Corridor Community Development District. The proposal would establish a rail transit community development district around **EACH** transit station. This would represent an unprecedented expansion of the HCDA's area of responsibilities. Given the variation in community types, development potential and financing options available at each transit station, this mandate might unfairly handicap management of the Rail Transit Project by the City and County of Honolulu (C&C).

Current HCDA Efforts to Establish TOD Regulations in Kakaako and Kalaeloa. The HCDA is currently developing TOD regulations as well as updating its zoning rules for both of its community development districts. Amendment of its enabling legislation is not needed to legitimize these efforts.

461 Cooke Street
Honolulu, Hawaii
96813

Telephone
(808) 594-0300

Facsimile
(808) 594-0299

E-Mail
contact@hcdaweb.org

Web site
www.hcdaweb.org

TOD Principles. The location of a transit station is widely expected to attract commercial developers who are eager to accommodate the increased foot traffic generated by transit to the area. Increased foot traffic at the transit stop is also expected to increase the demand for housing in the area. With more people living in the area, industry (offering increased employment opportunities) might also seek to locate in the area and tap the local population surrounding the transit station for its workforce.

TOD Realities. However, the experience in cities throughout the United States (e.g., Washington D.C., Boston, New York) where TOD is a reality, tells us that the location of a transit station in an area does not, in and of itself, guarantee that the area surrounding the station will automatically prosper and grow. Instead, it should be understood that transit is intended to only **DELIVER** large numbers of people to an area where growth and development potential already exists and is occurring.

In those instances, zoning rules should provide additional incentive for increased commerce, industry and population densities to be developed. TOD regulations typically also allow for greater mixing of “live, work and play” activities and give less attention to accommodating automobiles and more attention to constructing a pedestrian centered facilities uses and activities.

HCDA activities. The HCDA is currently developing “form-based code” instead of traditional zoning practices for both Kakaako and Kalaeloa Community Development Districts. Form-based codes take into account the three dimensions of a developed environment and help create predictable living and public space by controlling the physical envelope of the community and focusing less on regulating land use. We believe that development of form based codes will also promote and support the creation of TOD communities.

Currently, the HCDA has sufficient statutory authority to establish this type of “TOD friendly” zoning rules for both the Kakaako and Kalaeloa Community Development Districts and this change to our statute is not needed.

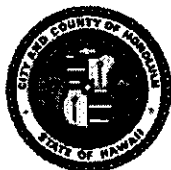
Thank you for the opportunity to offer comments on this proposal.

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813

Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

PETER B. CARLISLE
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

KAI NANI KRAUT, P.E.
DEPUTY DIRECTOR

KENNETH TORU HAMAYASU, P.E.
DEPUTY DIRECTOR

January 28, 2011

RT1/11-401285

VIA EMAIL: TRNtestimony@Capitol.hawaii.gov

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

Dear Chair Souki and Representatives:

Subject: HB 929 Relating to the Hawaii Community Development Authority
Committee on Transportation
Monday, January 31, 2011 at 8:30 am

Please find attached testimony relating to above-referenced bill.

If you should have any further questions, please do not hesitate to contact me at
768-8343.

Sincerely,


Kenneth T. Hamayasu
Deputy Director

Attachments

PRESENTATION OF
DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU
TO THE HOUSE COMMITTEE ON
TRANSPORTATION
TWENTY-SIXTH STATE LEGISLATURE
REGULAR SESSION, 2011
MONDAY, JANUARY 31, 2011
8:30 A.M.
TESTIMONY ON HOUSE BILL NO. 929
RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

TO THE HONORABLE JOSEPH M. SOUKI, CHAIR,
THE HONORABLE LINDA ICHIYAMA, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Transportation Services ("Department"), City and County of Honolulu ("City") appreciates the opportunity to testify on House Bill No. 929, Relating to the Hawaii Community Development Authority ("HCDA"). I am Toru Hamayasu, of the Department's Rapid Transit Division. The Department opposes House Bill No. 929. The bill establishes a Honolulu rail transit corridor community development district that would include all 21 rail transit stations of the planned Honolulu High-Capacity Transit Corridor Project ("Project") and extend outward for a one-half mile (i.e., 2,640 feet) radius from each rail transit station. The bill should not be approved, for several reasons.

First, this bill is unnecessary and duplicative of the transit-oriented development ("TOD") planning that the City is currently undertaking. In 2009, Ordinance No. 09-4 (codified as Revised Ordinances of Honolulu §§ 21-9.100, et seq.) was signed into law. This ordinance provides a process for developing TOD special districts. Generally, each TOD zone includes parcels of land where any portion of each parcel is within 2,000 feet of a transit station. The process for creating a TOD special district includes the preparation of neighborhood TOD plans, community input, public hearings, City Council approval, and the signature of the mayor to become a City ordinance. The City Department of Planning & Permitting has already hired consultants, held community meetings, and prepared draft neighborhood TOD plans for Aiea-Pearl City, East Kapolei, and Waipahu.

Second, in the November 2, 2010, General Election, the people of the City voted overwhelmingly in the affirmative to amend the City's charter to create a semi-autonomous public transit authority responsible for the planning, construction, operation, maintenance, and expansion of the City's fixed guideway mass transit system. Among other things, the voters approved granting to the transit authority the power, duty, and function "[t]o promote, create and assist transit oriented development

projects near fixed guideway system stations that promote transit ridership, and are consistent with the intent of the adopted community plans and zoning." Transferring jurisdiction for TOD from the City to the HCDA would substantially erode, if not negate, the will of the City electorate.

Finally, I note this measure could have a potentially significant budgetary impact during this time of scarce state resources. If this bill becomes law, HRS § 206E-5 requires the HCDA to develop a community development plan for each of the 21 stations along the Project's 20-mile corridor. In developing the community plan HCDA must include an opportunity for public comment, and those comments must be considered in preparation of the final plan. The governor must approve the final plan. HRS § 206E-5 further provides that "[a]fter approval, the governor shall submit to the legislature requests for appropriations, authorization to issue bonds, or both, to implement the community development plan in an orderly, affordable, and feasible manner." Thus the implementation of the plan could require substantial state resources.

For these reasons, we respectfully ask that your committee defer House Bill No. 929.

Thank you for the opportunity to provide our testimony. I will be happy to answer any questions that the members of the Committee may have.

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.honolulu.gov • CITY WEB SITE: www.honolulu.gov

PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR

ROBERT M. SUMITOMO
DEPUTY DIRECTOR

January 31, 2011

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

Dear Chair Souki and Members:

**Subject: House Bill 929
Relating to the Hawaii Community Development Authority**

The Department of Planning and Permitting (DPP) **opposes** House Bill 929 which seeks to designate areas surrounding each of the proposed Honolulu High-Capacity Transit station stops under the jurisdiction of the Hawaii Community Development Authority (HCDA). HCDA becomes the responsible agency for development planning, zoning and implementation for lands within one-half mile of each station.

Although HRS §260E-5 suggests coordination with federal and county plans, HCDA powers would supersede the powers and responsibilities of the counties regarding land use matters. The abrogation of county zoning and permitting has not been justified beyond an ambiguous statement of the "States 'interest' in ensuring an orderly planning of retail and residential development of the area." This bill further diminishes and constrains the powers and interests of the county as defined under HRS §46-1.5 (5(D)). The state would still have significant influence over development around the stations as a major landowner.

Of the proposed twenty-one station stops along the transit corridor, two are under the jurisdiction of HCDA – Civic Center and Kaka'ako, lying within the Kaka'ako redevelopment area. To this date, we are not aware of any TOD planning by HCDA for these two stations. On the other hand, the City has already completed the TOD planning for the first five stations, with the remaining stations under various stages of planning. Transferring jurisdiction of these stations to HCDA would be an enormous waste of taxpayers' dollars and a huge step backwards for TOD planning.

In short, please file House Bill 929.

Very truly yours,

A handwritten signature in black ink, appearing to read "David K. Tanoue", is written over a horizontal line.

David K. Tanoue, Director
Department of Planning and Permitting

DKT:P:\DivFunction\LEGISLATURE\2011

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

Rep. Joseph M. Souki, Chair
Rep. Linda Ichiyama, Vice Chair

January 31, 2011, Committee Hearing
Conference Room 309
8:30AM
House Bill 929
Relating to The Hawaii Community Development Authority
Copies - 5

Chair Souki and Committee Members:

I am opposed to House Bill 929.

I am Dexter Okada. As a disclosure, I am a member of the Hawaii Community Development Authority. But I am testifying as 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. I also represent the Kaka'ako Business and Landowners Association, a group of small businesses and small landowners located in Central Kaka'ako.

Central Kaka'ako is made up of small properties, from 30,000sq.ft. to as small as 2,700sq.ft., that occupy approximately one-third of Kaka'ako Mauka that is makai of Kapiolani Boulevard. On these properties are 154 small businesses, commercial, light industrial, service, and wholesale businesses that generate upwards of \$56 million annually. When you look at it from the sustainability point of view, Central Kaka'ako provides many of the support services to the surrounding communities, all the way out to east Oahu.

HB929 defines a transit corridor community development district as the area within a one-half mile radius from the rail transit station to ensure "... orderly planning of RETAIL and RESIDENTIAL development of the area." On the City's current route of the rail, there are two transit stations in Kaka'ako. A one-half mile radius around these stations encompasses all of Central Kaka'ako. The "...orderly planning of RETAIL and RESIDENTIAL development" will destroy the Central Kaka'ako community.

Transit Oriented Development should NOT be assumed to be only the development of retail and high density residential. Transit Oriented Development should reflect the existing community.

Thank you,
Dexter Okada
President
U. Okada & Co., Ltd.
Email: dexter.okada@uokada.com
Tel: 597-1102