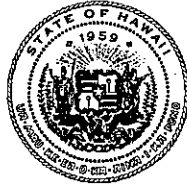


SB 1556

RELATING TO RAIL TRANSIT STATION DEVELOPMENT.

Exempts developments within a half-mile radius of rail transit stations undertaken by qualified developers from generally applicable requirements.



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

February 3, 2011

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE COMMITTEE(S) ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS
AND
WATER, LAND AND HOUSING

SENATE BILL NO. 1556

The Department of Transportation has concerns with S.B. 1556, 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.

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 S.B. 1556.



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAOKO
KALAELOA

Neil Abercrombie
Governor

C. Scott Bradley
Chairperson

Anthony J. H. Ching
Executive Director

461 Cooke Street
Honolulu, Hawaii
96813

Telephone
(808) 594-0300

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(808) 594-0299

E-Mail
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Web site
www.hcdaweb.org

STATEMENT OF

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

BEFORE THE

SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT
OPERATIONS, AND MILITARY AFFAIRS

AND

SENATE COMMITTEE ON WATER, LAND, AND HOUSING

THURSDAY, FEBRUARY 3, 2011

3:30 P.M.

State Capitol, Conference Room 224

S.B. 1556 - RELATING TO RAIL TRANSIT STATION DEVELOPMENT

Purpose: Transit related development; exemption from statutes, ordinances, charter provisions, and rules.

Position: The Hawaii Community Development Authority (HCDA) opposes passage of the proposal and offers the following comments.

The proposal would require that residential or commercial development located within a one-half mile radius from a rail station shall be exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for sub-division, development and improvement of land, and construction of dwelling units provided certain conditions are met. The language of the proposal is very broad and creates a wide swath of neighborhood along the transit route and station where no planning, zoning, and subdivision rules of the City & County of Honolulu and the HCDA will be applicable.

Within the Kakaako Community Development District (KCDD) there are two proposed transit stations. One station is located mid-block between South and Keawe Streets. The other station is proposed for the area where the Ward Avenue Sports Authority is located. If a half-mile radius circle is drawn around

these two locations, approximately ninety percent (90%) of the KCDD will fall within that area. This proposal will have the effect of making most of the development in the KCDD exempt from the HCDA's planning and zoning regulations.

Transit oriented developments (TODs) can create much desired housing and commercial development opportunities and serve as economic engines for Honolulu. However, policies regarding TODs need to be carefully thought through and crafted to avoid unwanted consequences of such development. An October 2010 transit related development study published by the Dukakis Center for Urban and Regional Policy that studied development in and around 36 transit systems in the United States, found gentrification to be a serious unanticipated consequence of TODs.

Many TODs drove out lower and middle income residents from the area and created gentrified neighborhoods for the more affluent. Lower and middle income residents form the core ridership of any transit system. As the TODs must create a neighborhood which will benefit from TOD densities, it will only work when residents can live and work in areas that are close to transit stations. Research shows that the more affluent segment of the population tends to use automobile even when transit is available as a transportation alternative.

Therefore, a proposal such as this should instead provide initiatives for developing affordable housing, commercial and industrial uses around transit stations. To mitigate unwanted consequences and to encourage development of affordable housing and economic activity, the proposal might limit exemption of planning and zoning rules only as it relates to development of affordable housing and job creating activities within the TOD district.

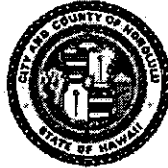
Thank you for the opportunity to offer comments on this proposal.

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

February 2, 2011

RT1/11-401867

VIA EMAIL: PGMTestimony@Capitol.hawaii.gov

The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Government Operations, and Military Affairs (PGM)
State Senate
Hawaii State Capitol
Honolulu, Hawaii 96813

The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Water,
Land and Housing (WLH)
State Senate
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Chair Espero, Chair Dela Cruz, and Senators:

Subject: SB1556 Relating to Rail Transit Station Development
Committees on PGM and WLH
Thursday, February 3, 2011, at 3:30 p.m.

Please find the attached testimony relating to the 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

Attachment

PRESENTATION OF
DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU
TO THE SENATE COMMITTEES ON
WATER, LAND, AND HOUSING
AND
PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS
TWENTY-SIXTH STATE LEGISLATURE
REGULAR SESSION, 2011
THURSDAY, FEBRUARY 3, 2011
3:30 P.M.
TESTIMONY ON SENATE BILL NO. 1556
RELATING TO RAIL TRANSIT STATION DEVELOPMENT

TO THE HONORABLE WILL ESPERO AND DONOVAN M. DELA CRUZ, CHAIRS,
THE HONORABLE MICHELLE KIDANI AND MALAMA SOLOMON, VICE CHAIRS,
AND MEMBERS OF THE COMMITTEES:

The Department of Transportation Services ("Department"), City and County of Honolulu ("City") appreciates the opportunity to testify on Senate Bill No. 1556, relating to rail transit station development. I am Toru Hamayasu of the Department's Rapid Transit Division. The Department **opposes** Senate Bill No. 1556

First, this bill is duplicative of the transit-oriented development ("TOD") planning that the City is currently undertaking. In 2009, Ordinance No. 09-4 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 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 including the power, duty, and function "[t]o promote, create and assist transit oriented development projects near fixed guideway system stations". This bill would substantially erode, if not negate, the will of the City electorate.

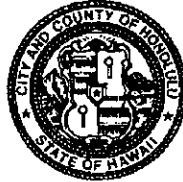
For these reasons, we respectfully ask that your committee defer Senate Bill No. 1556.

Thank you for the opportunity to provide our testimony.

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. TANQUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

February 3, 2011

The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Water, Land, and Housing
The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Government Operations, and Military Affairs
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz, Espero and Members:

**Subject: Senate Bill No. 1556
Relating to Rail Transit Station Development**

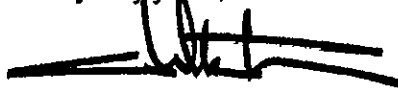
The Department of Planning and Permitting **opposes** Senate Bill No. 1556 as an unwarranted infringement on County zoning authority established by Section 46-4, Hawaii Revised Statutes. For your information, the City and County of Honolulu ("the City") has been working diligently on transit-oriented development ("TOD") for the last several years. In fact, the Department of Planning and Permitting ("DPP") is now in the process of working with a team of expert consultants and the affected communities to prepare TOD area plans for each station of the Honolulu High-Capacity Transit Corridor Project. After the area plans have been prepared, the DPP will submit them to the Honolulu City Council for its review and approval. Once Council approval of the plans has been obtained, the DPP will submit implementing legislation to the Council to enact appropriate TOD amendments to the Land Use Ordinance, which is the City's zoning code.

Senate Bill No. 1556 would preempt several years of City TOD effort. It would also make TOD the responsibility of "a qualified developer." Such a developer would have almost unlimited discretion in establishing a residential or commercial project for each rail station, as the bill would exempt such projects from "all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units." The bill would allow the Honolulu City Council to approve, approve with modifications, or disapprove such a project, but that would be the only opportunity for public review in the process the bill would establish. We feel strongly that TOD projects should meet parameters established by City planning and zoning ordinances that were enacted through the collaboration of the affected communities, expert consultants, the DPP, and the Honolulu City Council. Unfortunately, Senate Bill No. 1558 would make it impossible for the City to conduct such a collaborative TOD planning and zoning process.

The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Water, Land, and Housing
The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Government Operations, and Military Affairs
State Senate
Re: Senate Bill No. 1556
February 3, 2011
Page 2

For these reasons, we ask that Senate Bill No. 1558 be held in committee. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David K. Tanoue', with a horizontal line drawn underneath it.

David K. Tanoue, Director
Department of Planning and Permitting

DKT:jmf

sb1556-RailTransitStat-na.doc



**BOARD OF DIRECTORS
EXECUTIVE COMMITTEE**

THE OUTDOOR CIRCLE

Joel Kurokawa
President

February 3, 2011

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Senate Comm. on Public Safety, Government Operations, and Military Affairs
The Honorable Senator Donovan Dela Cruz, Chair

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2nd Vice President

Senate Committee on Water, Land and Housing
Hawai'i State Capitol
Honolulu, HI 96813

Maureen Murphy
3rd Vice President

RE: Testimony opposing SB 1556 Relating to Rail Transit Station Development

Betsy Connors
4th Vice President

Chair Espero, Chair Dela Cruz and Members of the Committees:

Diane Harding
Treasurer

Thank you for this opportunity to present testimony in opposition to SB 1556.

Yvonne Lim Warren
Assistant Treasurer

The Outdoor Circle strongly believes that exempting from virtually all regulatory scrutiny, residential and commercial development within one-half mile of the nearly two dozen rail stations proposed for the Honolulu Transit Project is a colossal mistake. It will open a Pandora's Box of potential problems that could allow uncontrolled development near transit stations.

Teresa Trueman-Madriaga
Secretary

Diane Anderson
Advisor

SB 1556 would extend Carte Blanche permission to any "qualified developer," which the bill defines as any legal entity licensed to do business in the state and bonded by the Honolulu City Council. This represents a total abdication of regulatory responsibility by the government and essentially gives developers the green light to do whatever they want, however they want.

Steve Mechler
Advisor

Denise Soderholm
Advisor

The measure includes a provision that would require the developer to follow a so-called "form-based zoning code" in any counties that have adopted such a code. In essence form-based zoning is a means of regulating development to create a specific urban form. It allows the creation of planned communities whose developments share design and other criteria to achieve a desired neighborhood aesthetic.

Marcy Fleming
Bradley Totherow
Finance

BRANCHES

East Honolulu (O'ahu)

However, without first ensuring that counties have adopted form-based codes near transit stations, SB1556 would allow developers to proceed with their projects in any way they choose. One of the jobs of government is to require developers to adhere to statutory requirements for zoning, planning, construction, etc. SB1556 threatens those protections.

Kane'ohe (O'ahu)

Kapolei (O'ahu)

Kaua'i

Please hold SB 1556.

Kona (Hawai'i)

Respectfully,

Lani-Kailua (O'ahu)

Bob Loy

Maui

Director of Environmental Programs

North Shore (O'ahu)

Waikoloa Village (Hawai'i)

Waimea (Hawai'i)

Honorable Senator Willie Espero, Chair
Honorable Senator Michelle Kidani, Vice Chair
Committee on Public Safety/Government Operations & Military Affairs

Honorable Senator Donovan Dela Cruz, Chair
Honorable Senator Malama Solomon, Vice Chair
Committee on Water, Land and Housing

RE: SB 1556 relating to exemptions of Transit Oriented Developments (TOD) within a ½ mile radius of the Oahu's Rail Transit Route undertaken by qualified Developers – **STRONG OPPOSITION**

Good Afternoon Chair Espero, Vice Chair Kidani and Members of the PGM Committee:
Chair Dela Cruz, Vice Chair Solomon and Members of the WLH Committee:

I am Daisy Murai a Community Member, resident of Kapahulu on the Island of Oahu and a member of the General Public. It is with grave concern that **SB 1556** has been introduced into the Legislature, coincidentally with Oahu's High Capacity Steel on Steel Rail Transit project moving along. It is amazing that there will be **NO TRANSPARENCY** in the selection of "**QUALIFIED DEVELOPERS**" of **TOD's** within the ½ mile radius of the **RAIL TRANSIT STATIONS** as selected by the City & County of Honolulu, which has also been very vague of specific details to the areas of the properties and Communities much impacted along the Route till much later into the EIS process. I'm sure the State of Hawaii as well as the City & County of Honolulu are well informed about the Prominent Developers that will apply for these TOD projects, but the **GENERAL PUBLIC** will be left in the Dark and Surprised with the final selections that will be built, for example **HOTELS** as introduced by Senator Dela Cruz when he was a Councilmember. The Exemption rule, I feel seems to benefit those Developers already waiting in the wings ready to apply at the expense of the Tax Payers who will need to pay for such projects, which may not benefit the General Public.

This is the reason for my **STRONG OPPOSITION** to **SB 1556**.

Thanking you for the opportunity to speak.

Daisy Murai
3039 Kaunaoa Street
Honolulu, HI 96815
Dated February 2, 2011

Date: February 3, 2011
Time: 3:30 pm
Place: Conference Room 224
FAX: 586-6659 Sgt. at Arms