

NEIL ABERCROMBIE
GOVERNOR



KAREN SEDDON
EXECUTIVE DIRECTOR

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
Honolulu, Hawaii 96813
FAX: (808) 587-0600

IN REPLY REFER TO:

Statement of
Karen Seddon
Hawaii Housing Finance and Development Corporation
Before the

SENATE COMMITTEE ON WAYS AND MEANS

March 2, 2012, 9:30 a.m.
Room 211, State Capitol

In consideration of
S.B. 2927, S.D. 1
RELATING TO COMMUNITY PLANNING.

The HHFDC supports the intent of S.B. 2927, S.D. 1.

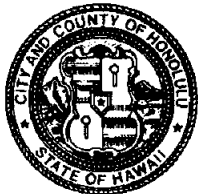
This measure would facilitate residential development in mixed use neighborhoods which could result in housing costs that are more affordable and sustainable. The proposed state and county incentives would encourage higher density development or redevelopment around bus or rail stations and reduce urban sprawl.

Thank you for the opportunity to provide written comments on this bill.

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

PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

March 2, 2012

The Honorable David Y. Ige, Chair
and Members of the Committee on
Ways and Means
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Ige and Committee Members:

Subject: Senate Bill No. 2927, SD1
Relating to Community Planning

The Department of Planning and Permitting **supports** Senate Bill No. 2927, SD1. We appreciate the state's interest in land development, particularly around rail transit stations or transit-oriented development, to promote community development and transit ridership.

Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "David K. Tanoue".

David K. Tanoue, Director
Department of Planning and Permitting

DKT:jmf

sb2927sd1-ComPlan-ks

1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcawhawaii.org
Website: www.gcawhawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

March 2, 2012

TO: HONORABLE SENATORS DAVID IGE, CHAIR, MICHELLE KIDANI, VICE CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON WAYS AND MEANS

SUBJECT: **SUPPORT OF S.B 2927, SD1 RELATING TO COMMUNITY PLANNING.**
Establishes planning districts and creates a process for developers to apply for residential and commercial exceptional planning projects. Establishes the transit or main-street redevelopment program. Authorizes state and county incentives for exceptional planning projects. (SD1)

HEARING

DATE: Friday, March 2, 2012
TIME: 9:30 a.m.
PLACE: Conference Room 211

Dear Chair Ige, Vice Chair Kidani and Members of the Committee:

The General Contractors Association (GCA) is an organization comprised of over six hundred (600) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is celebrating its 80th anniversary this year; GCA remains the largest construction association in the State of Hawaii whose mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest. GCA is in support of S.B. 2927, SD1, Relating to Community Planning.

This bill proposes to create Community Planning districts to allow counties to create county transit-oriented development programs, establish planning districts, and create a process for developers to initiate exceptional planning projects. This measure proposes incentives for parties interested in developing a transit-oriented or main-street redevelopment project and allows the counties to promulgate rules to implement such planning districts.

GCA supports this innovative planning concept which aims to encourage private investment and address the much needed coordination between the city and state entities to bring projects to fruition. In cities across the nation, through urban redevelopment and the implementation of smart growth principles, cities are reducing their dependence on foreign resources and encouraging use of public transportation. S.B. 2927, SD1 provides a blueprint for the development of urban projects that will help encourage the use of public transportation.

For these reasons, we support S.B. 2927, SD1 and respectfully request this Committee to pass this measure.

Thank you for this opportunity to share our views on this matter.



Testimony to Senate Committee on Ways and Means

Friday, March 2, 2012

9:30 a.m.

Capitol Room 211

RE: S.B. 2927 Proposed SD2, Relating to Community Planning

Good morning Chair Ige, Vice-Chair Kidani, and members of the Committee:

My name is Gladys Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, BIA-Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii **supports the intent** of S.B. No. 2927, Proposed SD2. The bill proposes to establish planning districts and creates a process for developers to apply for residential and commercial exceptional planning projects. It also will establish the transit-oriented or main-street redevelopment program and authorizes state and county incentives for exceptional planning projects. Finally, the bill establishes a discretionary review process for transferring floor area within the planning district.

Oahu's rail transit system has drawn increased scrutiny as the project gets closer to actual construction. We believe that healthy discussion is essential in matters dealing with the future of Honolulu, both financially and from a quality of life standpoint. What appears lost in the most recent discussion is that rail transit, in most successful cities, is essentially a "growth management tool." It allows a city to grow and provide housing and employment opportunities for the next generation of citizens without sprawl. It also preserves open space by focusing development back into the urban core. It also gives residents a choice or alternatives for commuting.

As drafted, the bill proposes to increase density in and around identified rail and bus transit stations or centers. We understand that the underlying objective is to increase ridership for these public transit alternatives by increasing density in and around the stations. Other incentives are included in the bill. We also note that the legislation has received support from various county agencies responsible for transit and the future development around transit stations. We, too, support the bill as a vehicle for further discussion on the development of vibrant communities with the rail and bus transit projects.

Thank you for this opportunity to express our views.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: jose@hawaiihispanicnews.org
Subject: Testimony for SB2927 on 3/2/2012 9:30:00 AM
Date: Thursday, March 01, 2012 8:01:15 AM

Testimony for WAM 3/2/2012 9:30:00 AM SB2927

Conference room: 211
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jose Villa
Organization: Hawaii Hispanic News
E-mail: jose@hawaiihispanicnews.org
Submitted on: 3/1/2012

Comments:

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: josevilla@latinbusinesshawaii.com
Subject: Testimony for SB2927 on 3/2/2012 9:30:00 AM
Date: Thursday, March 01, 2012 8:02:41 AM

Testimony for WAM 3/2/2012 9:30:00 AM SB2927

Conference room: 211
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jose Villa
Organization: Latin Chamber of Commerce
E-mail: josevilla@latinbusinesshawaii.com
Submitted on: 3/1/2012

Comments:



IN REPLY REFER TO:
CMS-AP00-00155

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Kenneth Toru Hamayasu, P.E.
INTERIM EXECUTIVE DIRECTOR AND CEO

February 29, 2012

Via Email: WAMTestimony@Capitol.hawaii.gov

The Honorable David Y. Ige, Chair
The Honorable Michelle N. Kidani, Vice Chair
and Members of the Committee on Ways and Means
State Senate
Hawaii State Capitol
Honolulu, Hawaii 96813

BOARD OF DIRECTORS
Carrie K.S. Okinaga, Esq.
CHAIR
Ivan M. Lui-Kwan, Esq.
VICE CHAIR
Robert Bunda
William "Buzz" Hong
Donald G. Horner
Keslie W. K. Hui
Damien T. K. Kim
Glenn M. Okimoto, Ph.D.
David K. Tanoue
Wayne Y. Yoshioka

Dear Chair Ige, Vice Chair Kidani, and Representatives:

Subject: SB 2927, SD 1, A Bill for An Act Relating to Community Planning
Committee on Ways and Means
Friday, March 2, 2012, at 9:30 am

The Honolulu Authority for Rapid Transportation (HART) appreciates your Committee's effort to craft legislation that promotes good community planning. HART supports the intent of the above-referenced measure and defers this land use matter to the City's Department of Planning and Permitting.

Thank you for this opportunity to comment.

Sincerely,

Kenneth Toru Hamayasu
Interim Executive Director and CEO

cc: HART Board

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: jepsona001@hawaii.rr.com
Subject: Testimony for SB2927 on 3/2/2012 9:30:00 AM
Date: Thursday, March 01, 2012 7:58:51 AM

Testimony for WAM 3/2/2012 9:30:00 AM SB2927

Conference room: 211
Testifier position: Oppose
Testifier will be present: No
Submitted by: andrea I. Jepson
Organization: Individual
E-mail: jepsona001@hawaii.rr.com
Submitted on: 3/1/2012

Comments:

This bill is problematic on so many levels. How can we ignore processes and guidelines in place to protect our islands in the interests of fast tracking development. Think pono.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: icec002@hawaii.rr.com
Subject: Testimony for SB2927 on 3/2/2012 9:30:00 AM
Date: Thursday, March 01, 2012 8:28:21 AM

Testimony for WAM 3/2/2012 9:30:00 AM SB2927

Conference room: 211
Testifier position: Oppose
Testifier will be present: No
Submitted by: charley ice
Organization: Individual
E-mail: icec002@hawaii.rr.com
Submitted on: 3/1/2012

Comments:

Stop this nonsense! Vote NO.

Let's not go back to the bad old days when crappy projects would slip by without a decent, simple, basic review, merely on chutzpah and somebody's bought-and-sold say-so. Baloney!

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: drjant@aol.com
Subject: Testimony for SB2927 on 3/2/2012 9:30:00 AM
Date: Thursday, March 01, 2012 7:09:14 AM

Testimony for WAM 3/2/2012 9:30:00 AM SB2927

Conference room: 211
Testifier position: Oppose
Testifier will be present: No
Submitted by: Dr. Jim Anthony
Organization: Individual
E-mail: drjant@aol.com
Submitted on: 3/1/2012

Comments:

This is a draconian, ill advised piece of proposed legislation. Responsible legislators have a public trust obligation to vote NO on this Bill (SB2927).

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: hampton@hokua.org
Subject: Testimony for SB2927 on 3/2/2012 9:30:00 AM
Date: Thursday, March 01, 2012 8:46:32 AM

Testimony for WAM 3/2/2012 9:30:00 AM SB2927

Conference room: 211
Testifier position: Oppose
Testifier will be present: No
Submitted by: Ed Hampton
Organization: Individual
E-mail: hampton@hokua.org
Submitted on: 3/1/2012

Comments:

Current land use and building codes are in place for good reasons and have served this great county well to by pass them at this stage of our life cycle for any reason would forever harm our fragile inveronment and damage our reputation as a "paradise for tourism". Mahalo

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: lkmcelheny@gmail.com
Subject: Testimony for SB2927 on 3/2/2012 9:30:00 AM
Date: Thursday, March 01, 2012 7:04:41 AM

Testimony for WAM 3/2/2012 9:30:00 AM SB2927

Conference room: 211
Testifier position: Oppose
Testifier will be present: No
Submitted by: Larry McElheny
Organization: Individual
E-mail: lkmcelheny@gmail.com
Submitted on: 3/1/2012

Comments:
Please vote no on SB 2927

Sincerely,

Larry McElheny
638-8484

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: mohalaway@hawaii.rr.com
Subject: Testimony for SB2927 on 3/2/2012 9:30:00 AM
Date: Thursday, March 01, 2012 7:09:48 AM

Testimony for WAM 3/2/2012 9:30:00 AM SB2927

Conference room: 211
Testifier position: Oppose
Testifier will be present: No
Submitted by: Linda Legrande
Organization: Individual
E-mail: mohalaway@hawaii.rr.com
Submitted on: 3/1/2012

Comments:

I am strongly opposed to this bill which includes exemptions that are totally ridiculous. Exempts fees for developers ?? Exempts development from school impact zones ~ NO WAY !! automatic approval of 'an exceptional planning project' would be very hard to determine, in whose opinion ??

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: luciano@hawaii.edu
Subject: Testimony for SB2927 on 3/2/2012 9:30:00 AM
Date: Thursday, March 01, 2012 6:37:54 AM

Testimony for WAM 3/2/2012 9:30:00 AM SB2927

Conference room: 211
Testifier position: Oppose
Testifier will be present: No
Submitted by: Luciano Minerbi
Organization: Individual
E-mail: luciano@hawaii.edu
Submitted on: 3/1/2012

Comments:

This bill will ensure bad planning in Hawaii for years to come, it is ill advised not too follow proper land use planning rules.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: MSMatson@hawaii.rr.com
Subject: Testimony for SB2927 on 3/2/2012 9:30:00 AM
Date: Thursday, March 01, 2012 9:33:04 AM

Testimony for WAM 3/2/2012 9:30:00 AM SB2927

Conference room: 211
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: M S Matson
Organization: Individual
E-mail: MSMatson@hawaii.rr.com
Submitted on: 3/1/2012

Comments:

SENATE COMMITTEE ON WAYS and MEANS
Friday, March 2, 2012
9:30 AM, Conference Room 211
Senate Bill 2927, SD 1
Relating to “Community Planning”

Aloha Chair Ige and Committee Members:

SB 2927 is entitled “Relating to Community Planning” with sub-title reference to the “Hawaii Community Development Authority” and “State-Wide Planning.”

This testimony provides comments in ***strong opposition*** to SB 2927, SD1. This proposed legislation is a **misdirected measure** that proposes to:

- establish “exceptional“ high-density developments responding to **imposed undefined goals** for future transit ridership.
- **classify or reclassify large tracts of state and county land** as “urban planning districts” to consume:
 - a 1/4-mile-radius around bus transit stations **in any given area – which could impact and adversely affect conservation land, open shoreline recreational areas, historic sites, and agricultural lands;**
 - a 1/2-mile-radius around all potential rail transit stations – **such high- density mixed-use development would adversely impact the Honolulu Waterfront historic complex of Aloha Tower, Irwin Park and the Dillingham Transportation Building as well as the Kaka‘ako Makai shoreline area where residential development is prohibited for sound reasons under Chapter 206E-31.5, HRS;**
 - the **cumulative area between and around** two designated rail transit stations in the vicinity of the Honolulu International Airport;
 - ***or whatever extended land area associated with publicly-accessible areas that may be decided to achieve unknown goals for overall mixed-use density and develop undefined transit ridership within any contemplated planning district on any state or county land.***

The intent of this bill is **to exempt state and county projects from important and established regulatory oversight and vital environmental protection.** Through a “***fast track***” development process **for any state or county lands** SB 2927, SD1 **exempts and bypasses:**

- **established land use zoning and re-zoning regulations, and compliance with zoning standards based on sound planning practices that provide development consistency within urban areas and maintain protected areas in the Public Trust ;**
- **long-standing Environmental Review requirements for assessment of environmental factors attributable to such massive proposed developments, including significant environmental impacts and available alternatives to the development action.**

- State development impact fees (HRS 264-123) including those for **schools and public facilities needed to support such high-density mixed-use residential development;**

SB 2927 mandates that the counties *shall* provide **additional** “fast track” development incentives, yet these remain undefined and **open to speculation**.

SB 2927 **restricts** the county development agency’s review and decision on any proposed planning district development to 45 days, and **restricts** the 2-month county legislative process review for projects approved by the development agency to 45 days – **with automatic “approval” if this deadline is not met**.

SB 2927 **disallows and denies public due process** and the constitutional right of judicial review for “exceptional” development decisions arbitrarily and hastily made and associated actions taken.

In summary, this measure dictates county planning process, flies in the face of county general plans, area development plans and established community plans, and is a carte blanche proposal for foot-loose development that could indeed pave the way for unfettered **vertical sprawl** in some very unintended and protected areas.

This measure is nothing more than a guise for enabling the State and counties together with private interests to engage in the proliferation of high-density development that will **encroach upon and strangle** our island’s open shorelines and recreational areas, marine resources and coastal ecosystems, and scenic open space and historic resources.

This Miami Beach mindset portends disaster for Hawaii – and especially Honolulu as a visitor destination. **Our island economy is dependent upon and subsidiary to our unique environment, open shoreline resources, and panoramic view planes from the mountains to the sea.**

As with similar legislation proposed this year, SB 2927, SD1, is a transparently conscious attempt by certain present legislators, politicians and their backers to **undermine and erode, abuse and defile** long-standing laws protecting our **finite island resources and unique environment** in order to promote and achieve **massive development** at the financial cost burden and detriment of the quality of life of present and future generations. **HB 1813, HD1 is the antithesis of all that has gone before in the Greater Public Interest.**

Please HOLD this bill!

Most sincerely,

Michelle S. Matson
Honolulu

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: rkaye@mdi.net
Subject: Testimony for SB2927 on 3/2/2012 9:30:00 AM
Date: Thursday, March 01, 2012 6:38:25 AM

Testimony for WAM 3/2/2012 9:30:00 AM SB2927

Conference room: 211
Testifier position: Oppose
Testifier will be present: No
Submitted by: Robin Kaye
Organization: Individual
E-mail: rkaye@mdi.net
Submitted on: 3/1/2012

Comments:

This is an unnecessary destruction of critical environmental protections. DO NOT PASS this bill.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: seanco77@hotmail.com
Subject: Testimony for SB2927 on 3/2/2012 9:30:00 AM
Date: Thursday, March 01, 2012 9:08:46 AM

Testimony for WAM 3/2/2012 9:30:00 AM SB2927

Conference room: 211
Testifier position: Oppose
Testifier will be present: No
Submitted by: Sean McNamara
Organization: Individual
E-mail: seanco77@hotmail.com
Submitted on: 3/1/2012

Comments:



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

ANN H. KOBAYASHI
COUNCILMEMBER, DISTRICT 5
CHAIR, COMMITTEE ON BUDGET
TELEPHONE: (808) 768-5005
FAX: (808) 768-1227
EMAIL: akobayashi@honolulu.gov

March 1, 2012

The Honorable David Ige, Chair
Senate Committee on Ways and Means
State Capitol Building
Honolulu, Hawaii 96813

Dear Chair Ige and Members of the Committee:

Subject: SB 2927, Proposed SD2 – A Bill for An Act Relating to
Community Planning.

I support the intent of this bill which establishes planning districts and creates a process for developers to apply for residential and commercial exceptional planning projects.

However, I am not in support of provisions providing for transit-oriented development within a one-half-mile radius of a rail transit station located at Hoopili.

Thank you for the opportunity to submit this testimony.

Sincerely,

A handwritten signature in black ink that reads "Ann Kobayashi".

Ann Kobayashi
Councilmember
District V



Sierra Club Hawai'i Chapter

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

SENATE COMMITTEE ON WAYS AND MEANS

March 2, 2012, 9:30 A.M.
(*Testimony is 2 pages long*)

TESTIMONY IN OPPOSITION TO SB 2927 (SD1)

Aloha Chair Ige and Committee Members -

The Sierra Club, Hawai'i Chapter, with 10,000 dues-paying members and supporters, ***opposes*** SB 2927 (SD1). While we support the intent of sparking urban growth, this bill eliminates many concepts of good planning and community engagement.

SB 2927 (SD1) establishes areas near a rail transit station or bus transit station as planning districts and, within these planning districts, allows a developer to submit an "exceptional" commercial or residential projects for approval within a forty-five day period. All planning districts are required to be reclassified into the urban district.

The Sierra Club strongly supports urban in-fill projects. But this will be best accomplished through thoughtful planning, not an "allow everything" mentality. Smart growth is about promoting long-term housing affordability, stability, respect for cultural and natural resources, and opportunities for community development. This bill fails to fully consider the principles of smart growth.

First, the bill defines planning districts as the areas surrounding rail transit station and bus transit centers. The definition of a bus transit center is undefined. Taken to extreme, this bill creates urban areas in areas that should remain agriculture. For example, on O'ahu, there are bus transit centers in Kailua, Waimanalo, and Wahiawa. Are those the locations where we wish to direct intensive growth?

Second, the bill requires action by the planning agency and legislative body to disapprove a developer's application within forty-five days. Massive developments sometimes require additional investigation, such as the impacts on traffic, infrastructure, etc. This short of a time frame -- even assuming legislative bodies meet frequently enough to meet this schedule -- only harms the public and creates bad projects that fail to adequately analyze potential impacts or community input. Moreover, there are some very specific concerns about how this would work:

- This would eliminate neighborhood board participation or consultation;
- This would be a shorter time frame than most council actions require (2-3 hearings to approve a bill);
- How are conditions -- like normal health and safety building code standards -- attached in the event of an automatic approval?
- What happens when complex issues of a massive development project -- that directly impact traffic, public access, and smart growth -- are automatically approved because of timing blunder?

Fundamentally, we believe smart growth involves the community and attempts to build consensus on what the future will look like. This, on the other hand, appears to eliminate public participation and adopt a “take or leave it” mentality. This approach has not proven to work well in Hawai‘i.

Third, this bill potentially violates the constitution by attempting to restrict any lawsuit against the county for improperly approving a proposed project in contravention of the law. Smart planning welcomes challenges to bad projects, particularly where government may be unable to do so because of “agency capture” by the developer or where politics may interfere. If there had not been a judicial option, for example, Sandy Beach would be developed today.

Fourth, this measure exempts all exceptional planning projects from chapter 343. Regular in-fill development rarely requires an environmental review, unless there are changes that significantly impact the environment (air pollution for example -- construction of a power plant or crematory). Why would we want to exempt these types of projects from an environmental review, particularly when 343 gives us the ability to figure out how to mitigate the impacts and solicit community involvement.

In short, this bill is motivated by a good intent -- to direct growth to the urban core -- but adopts a philosophy that we believe would not lead to the result intended.

Mahalo for the opportunity to submit testimony.