

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [amybrinker@mac.com](mailto:amybrinker@mac.com)  
**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Friday, March 02, 2012 8:13:47 AM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Amy Brinker  
Organization: Individual  
E-mail: [amybrinker@mac.com](mailto:amybrinker@mac.com)  
Submitted on: 3/2/2012

Comments:

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
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**Cc:** [daunna@lava.net](mailto:daunna@lava.net)  
**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Friday, March 02, 2012 8:30:47 AM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: andrew charles yanoviak, aia,apa,csi  
Organization: Individual  
E-mail: [daunna@lava.net](mailto:daunna@lava.net)  
Submitted on: 3/2/2012

Comments:

I wholeheartedly concur w/the thoughtful and brilliant testimony of MICHELE S. Matson and also sincerely request that You Honorable Legislators DO The RIGHT Thing and HOLD This BILL!!!

Mahalo and Aloha,

Dr. Andrew Charles Yanoviak, AIA, APA, CSI

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**To:** [WAM Testimony](#)  
**Cc:** [suiteness@gmail.com](mailto:suiteness@gmail.com)  
**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Friday, March 02, 2012 8:39:35 AM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Annie Suite  
Organization: Individual  
E-mail: [suiteness@gmail.com](mailto:suiteness@gmail.com)  
Submitted on: 3/2/2012

Comments:

**Anthony Aalto**  
**3946 Lurline Drive • Honolulu, Hawai'i 96816**  
**808.234.9779**

To : Senate committee on Ways and Means

Hearing Date : March 2<sup>nd</sup> 2012

Re : Testimony in Strong Opposition to SB2927 (2 pages)

Aloha Chair Ige and members of the committee,

It is with a great deal of chagrin that I find myself obliged to strongly object to this bill.

I support transit-oriented development. I believe such development is the only way to reverse the decades of poor planning that have led to the disastrous suburban sprawl which has blighted our environment and consumed our best farmlands. I believe it makes sense to treat areas targeted for TOD somewhat differently than others, especially where such areas are already urbanized.

However I do not believe in automatic approval of “exceptional projects” and as dedicated public servants, neither should you. As a concept it’s just bad public policy. What happens if a bureaucrat makes a mistake, or is forced into a delay because of a missing document? What if a government body has to meet to sign off on health and safety issues and has no regular meeting calendared within the ridiculously narrow 45 day period? What happens if a public official is simply incompetent? It is the affected community that will be punished.

**Anthony Aalto Testimony in opposition to SB2927 Page 2**

These concerns are not simply ‘what-ifs.’ Member swill recall the case on the Big Island in 1996, when the BLNR voted 3-2 to deny Hawaii Electric Light Company’s request to install two combustion turbines on conservation district land in Ke`ahole. By the time the judge ruled that the sixth member of the BLNR should have voted (despite the conflict of interest that had prompted the board member to recuse himself) the deadline had passed and the project was automatically foisted on the community.

Even more important than this objection, is the issue of trust in the public. It’s a question of fundamental faith in the democratic process. As elected officials, is it unreasonable to expect you to be committed to ensuring an open and transparent process in developing transit oriented development?

I believe there are other ways to achieve the goal of speeding TOD projects. I particularly like the suggestion by the Sierra Club to “follow the example in HRS § 201-12.5, and create an Smart Growth facilitator? This office could be empowered to figure out how to expedite projects, work with interested companies and walk them through the approval process, and ensure projects are moving smoothly (and report to the Legislature when they are not). This creates a good model of public-private partnership rather than creating a process that simply makes the public bear the risk of governmental failure.”

Wouldn’t this be preferable to picking a fight with local communities resisting having automatically approved projects rammed down their throats?

If you cannot amend this measure to eliminate the 45 day deadline, to deal with the other faults and to ensure proper public participation and oversight, I urge you to reject this bill.

Mahalo

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**Cc:** [barbarapolk@hawaiiantel.net](mailto:barbarapolk@hawaiiantel.net)  
**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Thursday, March 01, 2012 8:00:04 PM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Barbara Polk  
Organization: Americans for Democratic Action/Hawaii  
E-mail: [barbarapolk@hawaiiantel.net](mailto:barbarapolk@hawaiiantel.net)  
Submitted on: 3/1/2012

Comments:

Americans for Democratic Action/Hawaii opposes SB2927 because it would allow development without opportunities for public input and in violation of those plans that have received substantial community input and review in the past. It would also place the responsibilities for impact costs on the general public, rather than on the developers as under state law.

We ask you to hold SB2927.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [chuckhuxel@yahoo.com](mailto:chuckhuxel@yahoo.com)  
**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Friday, March 02, 2012 6:19:29 AM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: Charles Huxel  
Organization: Americans for Democratic Action/Hawaii  
E-mail: [chuckhuxel@yahoo.com](mailto:chuckhuxel@yahoo.com)  
Submitted on: 3/2/2012

Comments:

Dear Chairman Ige and committee members,  
Please do not permit this bill to go forward. I associate my own position on the legislation with that submitted by Hawaii's 1000 Friends. We must preserve our prime agricultural land.  
Thank you for this opportunity to comment on this bill. Aloha,  
Chuck Huxel

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [prentissc001@hawaii.rr.com](mailto:prentissc001@hawaii.rr.com)  
**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Thursday, March 01, 2012 11:29:26 PM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Charles Prentiss  
Organization: Kailua Neighborhood Board  
E-mail: [prentissc001@hawaii.rr.com](mailto:prentissc001@hawaii.rr.com)  
Submitted on: 3/1/2012

Comments:

At its meeting of March 1, 2012, the Kailua Neighborhood Board voted to oppose SB2927. We apologize for not sending testimony earlier, but we had to wait for our March meeting. All of the land use regulations that the community has worked so hard on for so many years will be undone by this bill. It was a shock to the members that such a thing could be proposed for our well regulated and environmentally sensitive State.



WRITTEN TESTIMONY OF DALE EVANS

In Opposition to the SB 2927-SD1

Relating to Community Planning

[http://www.capitol.hawaii.gov/session2012/Bills/SB2927\\_SD1\\_.HTM](http://www.capitol.hawaii.gov/session2012/Bills/SB2927_SD1_.HTM)

Senate Ways & Means Committee

Hearing: Friday, March 2nd

Dear Senators:

SB 2927-SD1 is a huge Blank Check, intended to throw out standards, criteria and accountability, zoning, planning and environmental protections for a fad: Transit-Oriented Developments.

This bill is full of words and phrases such as *exempt impact fees, exempt zoning fees, exempt from environmental review, ignore the state's planning system, exempt fees associated with land development and impact fees, circumvent county general plans, development and sustainable community plans, automatic approval, reclassify land, fast-track, and automatic.*

Unlike most market-initiated commercial and residential developments, Transit-Oriented Developments require substantial public funds, tax waivers and hidden subsidies and every kind of special considerations and favorite treatment.

TODs are taken out of the tax base for Tax Increment Financing (TIF) of the development, while the city and county will have to shoulder all the expenses of providing city services.

I visited many TODs in Portland, Oregon and the most striking impression was, "Where are the children?" TODs are generally family unfriendly, residences for empty nesters and yuppies, mostly men.

Gentrified TODs received tax exemptions as inducements to purchase, of \$10,000 each year for 10 years= \$100,000 tax waivers at the expense of taxpayers!

I visited the TOD called Fruitvale in Oakland California. TODs are unsuccessful exactly because they are located next to train stations! The trains are noisy. At 5:30 pm on a Monday, the restaurants were empty and the place was full of FOR LEASE signs.

I also noticed a lot of policemen and police cars around the BART station. Parking lots at TODs are vulnerable to theft and vandalism, empty cars sitting all day get robbed constantly.

Trains are magnets for crime. Criminals prey on women, children, seniors and people with disabilities in train stations and TOD neighborhoods because these most vulnerable victims are defenseless.

Rail & Transit Oriented Developments are urban planners socialistic schemes. Central government planning is a perfect recipe for trouble. The interdependence of Rail on TODs and visa versa exasperates the damage. TODs assume unrealistic rail ridership usage. Typically, few occupants use the rail system regularly, and density has no bearing on ridership.

TODs are financial disasters for taxpayers. The consequences are long-term financial, economic, environmental and community degradation.

TODs must never be allowed in Hawaii, period! TODs do not serve The People. The scheme requires Taxpayers to serve TODs.

Respectfully submitted,  
Dale Evans

PS I have noticed that our state has given \$250,000 in tax subsidies for "affordable housing" units – which is really unfair considering our housing cost is severely unaffordable anyway! We have the highest cost of housing in the USA. Why should ordinary folks subsidize housing for others when they can't afford to buy a house for themselves!



LAND USE RESEARCH  
FOUNDATION OF HAWAII

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March 2, 2012

Senator David Y. Ige, Chair  
Senator Michelle N. Kidani, Vice Chair  
Senate Committee on Ways and Means

**Strong Support for SB 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; and authorizes state and county incentives for exceptional planning projects.)**

**Friday, March 2, 2012, 9:30 a.m., in CR 211**

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF appreciates the opportunity to provide our strong support for this measure.

**SB 2927, SD1.** This bill 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; and authorizes State and county incentives for Exceptional Planning Projects.

**LURF's Position.** LURF strongly supports this measure, as it includes a number of ideas which could result in reasonable, rational and equitable land use planning, that would encourage well-planned economic growth and development. The introducer of this bill should be commended for engaging in a collaborative process and soliciting comments and ideas from various state and county agencies, and private stakeholders to work together to reach a consensus regarding many of the issues contained in this bill.

Thank you for the opportunity to present testimony regarding this matter.



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MĀNOA

March 1, 2012  
RL: 2292

SB 2927 SD1  
RELATING TO COMMUNITY PLANNING

Senate Committee on Ways and Means  
Public Hearing – Friday, March 02, 2012  
9:30 a.m., State Capitol, Conference Room 211

By  
David Penn, Environmental Center  
**COMMENTS ONLY**

Dear Chair Ige, Vice Chair Kidani, and committee members,

The Environmental Center recognizes and promotes the benefits of planning for growth and reducing sprawl by creating more compact urban developments. However, we are concerned about the ambiguous language of the proposed measure, the potential extent and effect of its usurpation of existing county and state planning authority, and the proposed exemption of unspecified and unknown actions from the environmental review process that is normally conducted under Hawaii Revised Statutes (HRS) Chapter 343.

This measure proposes that lands which are not already within the state urban land use district would be reclassified as urban district lands, automatically, whenever and wherever (1) a county designates the site of rail transit and bus transit stations; (2) a county designates an unbounded area “to achieve density and ridership goals” for rail and bus transit; and (3) an unspecified action takes place involving a main street development project. We suggest that if SB 2927 moves forward, the language of § 46-C should be amended to more strictly define the geographic limitations on county designation and legislative establishment of “planning districts.” In particular, we suggest that the legislature restructure the somewhat circular and confounding relationship between “planning district,” “main street redevelopment project,” “exceptional planning project,” and “main street redevelopment program” that is inherent to SD1. Must a “main street redevelopment project” under § 46-C be an “exceptional planning project” established under § 46-D in order for it to function to establish a “planning district” under § 46-C?

**Replacing existing county authority over fifteen acre areas**

Under existing law, a proposal to amend a state land use district boundary that involves (1) a land area of fifteen acres or less, that is (2) not already within the conservation district, is decided by the county land use decision-making authority. *See* HRS § 205-3.1. SB2927 would replace the existing county processes for such a boundary decision with a new county process that would require action by a county planning agency, followed by a maximum forty-five day

window for county legislative action. How long do the existing county processes take, and how long would the new process take, altogether? It seems that some empirical analysis of this issue would provide the legislature with a more reasonable basis for its lawmaking.

### **Replacing existing state authority over larger areas and conservation districts**

A proposal to amend a state land use district boundary that involves (1) conservation district lands, or (2) a land area of fifteen acres or more is decided by the state land use commission and includes a public hearing process. *See* HRS § 205-4. With regard to the SB 2927:

- “An area within a one-half-mile radius from a county-designated rail transit station” would involve a land area of over 569 acres.
- “An area within a quarter-half-mile radius from a county-designated bus transit station” would involve a land area of almost 116 acres.
- The size of an “area between the two county-designated rail transit stations located nearest to the Honolulu International Airport” would depend upon (1) the exact locations of two stations and (2) the configuration of the boundary encompassing the county-designated “planning district” surrounding and including these two stations, and could conceivably exceed fifteen acres.
- The size of a “main-street redevelopment project” would be unlimited, although a county could limit the size of an “exceptional planning project” that could become the basis for establishing the boundaries of a “planning district,” and could conceivably exceed fifteen acres.

It seems that in a worst-case scenario the proposed measure, as written, could trump HRS § 205-4 and potentially facilitate large-scale urbanization of conservation district lands (e.g. in multiple and adjacent 569 acre increments) that would not be scrutinized by the land use commission or the HRS 343 process, and could also fall through the cracks of county legislative processes due to inadvertent or purposeful inaction within the proposed forty-five day legislative window. We suggest that the legislature clarify its intent in this regard.

### **Exempting “exceptional planning projects” from the state environmental review process**

The proposed measure could exempt potentially large-scale urbanization, including the conversion of conservation district lands to urban uses, from the HRS 343 environmental review process. As with many other measures introduced this session, we question whether or not the legislature has sufficient information about all the project scenarios that would be possible under the proposed measure to justify a legislative determination that the projects would “probably have minimal or no significant effects on the environment.” *See* HRS § 343-6(a)(2).

Thank you for considering our testimony on this proposed legislation. Please note that our testimony is advisory only and should not be construed to represent an official institutional position of the University of Hawaii.

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**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Thursday, March 01, 2012 8:31:41 PM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Evern Williams  
Organization: Individual  
E-mail: [evernw@aol.com](mailto:evernw@aol.com)  
Submitted on: 3/1/2012

Comments:

It angers me that legislators elected by us are doing this to our environment. You can be sure I will work to get someone else in.

Your behavior reeks of collusion with developers.

DO NOT PASS THIS BILL



**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.

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**To:** [WAM Testimony](#)  
**Cc:** [lbj27@hawaii.rr.com](mailto:lbj27@hawaii.rr.com)  
**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Thursday, March 01, 2012 5:36:56 PM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Jay McWilliams  
Organization: Individual  
E-mail: [lbj27@hawaii.rr.com](mailto:lbj27@hawaii.rr.com)  
Submitted on: 3/1/2012

Comments:

Just vote no to this bill, please. Transit orient development should not be a reason to disregard making the playing field for all development in Hawaii fair and equal.



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**Cc:** [jokamaebyrne@gmail.com](mailto:jokamaebyrne@gmail.com)  
**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Thursday, March 01, 2012 10:50:16 PM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Jo Kamae Byrne  
Organization: Individual  
E-mail: [jokamaebyrne@gmail.com](mailto:jokamaebyrne@gmail.com)  
Submitted on: 3/1/2012

Comments:

Decisions regarding development permanently impact an area. With our island quickly becoming over run by development at the cost of agricultural lands and the replenishment of our aquifer, we need to consider long term effects through thorough and open public discussions. Vote No on this bill.

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**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Thursday, March 01, 2012 8:43:43 PM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Kathleen Pahinui  
Organization: Individual  
E-mail: [pahinuik001@hawaii.rr.com](mailto:pahinuik001@hawaii.rr.com)  
Submitted on: 3/1/2012

Comments:

While I support directing development toward the urban core, around transit stations (not necessarily rail stations) and along main streets - circumventing county general plans, development and sustainable community plans, allowing for automatic approvals of an "exceptional planning project", exempting projects from zoning, impact fees and parking standards, and establishing a fast-track process for commercial and residential development - seems to be an open-invitation to rampant and random development.

We on the North Shore have worked long and hard on our sustainable community plan and do not want to see it overturned in the name of convenience and expediency for developers, no matter how worthy the project.

Please do not overturn or push aside those safeguards in our system that are meant to prevent over- and wrong-headed development.

Malama aina,

Kathleen Pahinui



**HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO**

Gentry Pacific Design Center, Suite 215A \* 560 N. Nimitz Highway, #50 \* Honolulu, Hawaii 96817  
(808) 524-2249 - FAX (808) 524-6893

February 29, 2012

**REGINALD CASTANARES**

*President*

Plumbers & Fitters Local 675

**DAMIEN T.K. KIM**

*Vice President*

International Brotherhood of  
Electrical Workers Local 1186

**THADDEUS TOMEI**

*Treasurer*

Elevator Constructors Local 126

**GARY AYCOCK**

*Sergeant At Arms*

Boilermakers, Ironship Builders  
Local 204

**DOUGLAS FULP**

*Trustee*

International Assoc. of Heat & Frost  
Insulators & Allied Workers Local 132

**PETER GANABAN**

*Trustee*

Laborers' International Union of  
North America Local 368

**NOLAN MORIWAKI**

Bricklayers & Ceramic Tile Setters  
Local 1 & Plasterers  
Local 630 Cement Masons

**JOSEPH O'DONNELL**

Iron Workers Local 625

**ART TOLENTINO**

Sheet Metal Workers I.A. Local 293

**LYNN KINNEY**

District Council 50  
Painters & Allied Trades Local 1791  
Carpet, Linoleum, & Soft Tile  
Local 1926  
Drywall, Tapers & Finishers  
Local 1944  
Glaziers, Architectural Metal &  
Glassworkers Local 1889

**PANE MEATOGA**

Operating Engineers Local 3

**RONAN KOZUMA**

Hawaii Teamsters & Allied  
Workers Local 996

**VAUGHN CHONG**

Roofers, Waterproofers & Allied  
Workers United Union of Roofer  
Local 221

Honorable Senator David Ige, Chair  
Honorable Senator Michelle Kidani, Vice Chair  
Members of the Committee on Ways and Means  
Hawaii State Capital  
415 South Beretania Street  
Honolulu, HI 96813

RE: **IN SUPPORT** of SB2927 SD2 RELATING TO COMMUNITY PLANNING  
Hearing: Friday, March 2, 2012 at 09:30 am, Room 211

Honorable Chair(s), Vice Chair(s) and Committee Members;

The Hawaii Building & Construction Trades Council, AFL-CIO which was originally chartered in October of 1958 is comprised of 16 out of 17 construction trade unions throughout Hawaii. With an estimated membership of 20,000 statewide, our primary mission is to provide employment opportunities and living wages to the many working men and women we represent.

The Council SUPPORTS SB2927 SD2 as proposed, which 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; and establishes a discretionary review process for the transfer of floor area within the planning district.

This measure will create opportunities and maximize directed development in and around the rail transit line which will assist in mitigating projected future population growth projections on O'ahu as well as provide a platform to promote higher levels of mass transit ridership. It will also create much needed employment opportunities for our members and their families.

We humbly ask that your committee pass out Senate Bill 2927 SD2 as proposed. Thank you for the opportunity to provide testimony in Support of this measure.

Respectfully;

Kika G. Bukoski  
Hawaii Building and Construction Trades Council



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March 1, 2012

Senator David Y. Ige, Chair  
Senator Michelle N. Kidani, Vice Chair  
Senate Committee on Ways and Means

RE: **Strong Support for SB 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; and authorizes state and county incentives for exceptional planning projects.)**

HEARING

DATE: Friday, March 2, 2012

TIME: 9:30 A.M.

PLACE: Conference Room 211

My name is Lance Inouye and I am President of Ralph S. Inouye Co., Ltd. (RSI), General Contractor and a member of the General Contractors Association of Hawaii (GCA). RSI is in **strong support** of S.B. 2927, SD1 Relating to Community Planning. .

SB 2927, SD1 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; and provides incentives for Exceptional Planning Projects.

RSI is in **strong support** of this bill, as it includes a number of ideas which could result in reasonable, rational and equitable land use planning, that would encourage well-planned economic growth and development. There have been many discussions of very successful communities on the mainland built around transit stations and corridors that not only helped shed automobiles and reduce traffic, but also helped to encourage building innovative urban community centers around transit stations. With the commencement of rail, we believe this bill may be a catalyst in this effort. The introducer of this bill should be commended for engaging in a collaborative process and soliciting comments and ideas from various state and county agencies, and private stakeholders to work together to reach a consensus regarding many of the issues contained in this bill.

Thank you for the opportunity to present testimony regarding this matter.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [mmtorreano@gmail.com](mailto:mmtorreano@gmail.com)  
**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Thursday, March 01, 2012 10:22:42 PM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Mark Torreano  
Organization: Individual  
E-mail: [mmtorreano@gmail.com](mailto:mmtorreano@gmail.com)  
Submitted on: 3/1/2012

Comments:

Do not subvert the established process for insuring projects serve the interests of Hawaii's citizens. Stop trying to make special rules for special interests, your contributors and projects that the public opposes so you try to avoid the public process for approving. Keep the rules the way they are and make everyone play by the some rules.

Thank you.

Mark Torreano  
Waikiki

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [hokuokekai50@msn.com](mailto:hokuokekai50@msn.com)  
**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Thursday, March 01, 2012 10:20:48 PM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Mary Lacques  
Organization: Individual  
E-mail: [hokuokekai50@msn.com](mailto:hokuokekai50@msn.com)  
Submitted on: 3/1/2012

Comments:



Testimony of Maurice Morita  
Assistant Director  
Hawaii LECET  
1617 Palama Street  
Honolulu, HI 96817

SENATE COMMITTEE ON WAYS & MEANS  
FRIDAY, MARCH 2, 2012  
9:30 a.m., Conference Room 211

**SB 2927SD2 - RELATING TO COMMUNITY PLANNING**

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

My name is Maurice Morita and I am the assistant director of Hawaii LECET (Laborers-Employers Cooperation and Education Trust). Hawaii LECET is a partnership between the Hawaii Laborers' Union, Local 368 and our union contractors.

The Hawaii LECET ***“strongly supports”*** SB 2927, SD2, which establishes planning districts and creates a process for developers to apply for residential and commercial exceptional planning projects. It establishes the transit or main-street redevelopment program. It authorizes state and county incentives for exceptional planning projects.

The Hawaii LECET concurs with the purpose of this bill to facilitate commercial and residential development of an exceptional level of quality on land adjacent to public transportation stations and centers by creating a fast track process and reduced up-front costs that will, in turn, act as catalytic projects for neighborhood reinvestment.

Thank you for the opportunity to submit this testimony.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
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**Cc:** [ponosize@hotmail.com](mailto:ponosize@hotmail.com)  
**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Friday, March 02, 2012 7:16:44 AM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Pono Kealoha  
Organization: Individual  
E-mail: [ponosize@hotmail.com](mailto:ponosize@hotmail.com)  
Submitted on: 3/2/2012

Comments:

Hawaii is a SOVEREIGN NEUTRAL KINGDOM NATION since 1943.....PROVE ME WRONG  
<http://hawaiiankingdom.org>



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**Cc:** [bobcrone@earthlink.net](mailto:bobcrone@earthlink.net)  
**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Friday, March 02, 2012 12:53:44 AM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Robert Crone  
Organization: Individual  
E-mail: [bobcrone@earthlink.net](mailto:bobcrone@earthlink.net)  
Submitted on: 3/2/2012

Comments:  
Please vote 'NO' on SB2927-SD1.

SB2927-SD1 would:

- 1) establish a fast-track process for commercial and residential development.
- 2) exempt projects on state or county land from Chapter 343 environmental review.
- 3) exempt projects from zoning, impact fees and parking standards.
- 4) exempt development from school impact fees.
- 5) exempt development from all fees associated with land development.
- 6) exempt development from impact fees.
- 7) ignore the State's planning system by requiring the State Land Use Commission to reclassify land around transit stations or centers\* as urban.
- 8) circumvent county general plans, development and sustainable community plans.
- 9) allow automatic approval of an "exceptional planning project" (we do wonder how this would be defined).
- 10) establish planning districts i.e. Transit Oriented Development (TOD) within a 1/2 mile radius from a county-designated rail transit station or as designated by the county to achieve density and ridership goals 1/4 mile radius from a county-designated bus transit station or center to achieve density and ridership goals.

I am a resident of Kailua, an architect and a member of the Kailua Urban Design Task Force. I can't even imagine the negative impact item No. 10 would have on Kailua.

Please vote 'NO' on SB2927-SD1!

Mahalo.



# Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803  
808.538.6616 [hawaii.chapter@sierraclub.org](mailto: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.

Mahalo nui loa,  
Robert D. Harris, Esq.  
Director  
Sierra Club, Hawai'i Chapter  
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Honolulu, HI 96803  
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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
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**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Thursday, March 01, 2012 8:43:22 PM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Stuart Scott  
Organization: Individual  
E-mail: [stuart.h.scott@gmail.com](mailto:stuart.h.scott@gmail.com)  
Submitted on: 3/1/2012

Comments:

I urge you to vote NO on SB2927. It is a clear giveaway to the developers who would compromise our food security. This bill is a thinly veiled manifestation of the collaboration/conspiracy between the financial interests that would benefit from unbridled, unrestricted development and those elected officials who are acting on their behalf. This bill is NOT in best the interests of the people of Hawaii. There should be no exemption from the checks and balances of 'blue sky' laws for development.

Sincerely,  
Stuart Scott

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**Subject:** Testimony for SB2927 on 3/2/2012 9:30:00 AM  
**Date:** Friday, March 02, 2012 9:43:06 AM

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

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: victoria cannon  
Organization: Individual  
E-mail: [vsc@hawaiiantel.net](mailto:vsc@hawaiiantel.net)  
Submitted on: 3/2/2012

Comments:

No no no. Stop this attack on our environment. Who is the crazy person preparing such horrible legislation?