

**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SIXTH LEGISLATURE, 2012**

---

**ON THE FOLLOWING MEASURE:**

S.B. NO. 2927, S.D. 2, RELATING TO COMMUNITY PLANNING.

**BEFORE THE:**

HOUSE COMMITTEES ON WATER, LAND, AND OCEAN RESOURCES AND ON HOUSING

**DATE:** Monday, March 12, 2012 **TIME:** 9:00 a.m.  
**LOCATION:** State Capitol, Room 325  
**TESTIFIER(S):** David M. Louie, Attorney General, or  
Lori N. Tanigawa, Deputy Attorney General

---

Chairs Chang and Cabanilla and Members of the Committees:

The Department of the Attorney General offers the following comments on this measure.

Section 46-F on page 6, lines 7 to 12, of the bill provides:

**§46-F State incentives; exemptions.** Subject to rules adopted pursuant to sections 46-H and 46-J, exceptional planning projects approved by the legislature shall be exempt from all state fees associated with land development; provided that approval for the exemption is granted by the state agency that would otherwise receive the fee.

It is unclear whether the Legislature intends to subject state agencies to rules that may be adopted by the various counties pursuant to sections 46-H and 46-J. Although state agencies are not ordinarily bound by rules or laws promulgated by the counties, the Legislature may expressly require state agencies to comply with such rules or laws. Accordingly, we recommend that the Legislature clarify whether it intends to require state agencies to comply with any rules the various counties may enact pursuant to sections 46-H and 46-J.

In addition, we note that it is unnecessary to provide for a fee exemption if the fee exemption is subject to a state agency's approval. If, however, this provision is intended to vest state agencies who otherwise lack the power to grant fee exemptions with the authority to grant fee exemptions, the bill should be amended to provide this. In this regard, the wording might be amended to read as follows:

Subject to rules adopted pursuant to sections 46-H and 46-J, state agencies may grant exemptions from state fees associated with the development of exceptional planning projects approved by the legislature.

Section 46-G on page 6, lines 13 to 17, of the bill provides that, "subject to rules adopted pursuant to sections 46-H and 46-J, exceptional planning projects approved by the legislative body shall receive exemptions from the zone change process and compliance with zoning standards." This proposed section is entitled, "County incentives; exemptions." If the intent is to authorize exemptions from county zoning requirement only, we recommend that the wording be amended to read as follows:

Subject to rules adopted pursuant to sections 46-H and 46-J, exceptional planning projects approved by the legislative body shall receive exemptions from the respective county's zone change process and zoning standards.

Unless amended, the current language might be interpreted to provide an exemption from state zoning rules as well. For instance, the Hawaii Community Development Authority ("HCDA") is vested with, among other things, zoning powers within designated community development districts. If an exceptional planning project is located within a community development district over which HCDA has jurisdiction, it should be made clear that the exceptional planning project complies with HCDA rules.

Section 46-I (d) on page 9, lines 15 to 21 of the bill provides that all requests for floor area ratio transfers shall be accompanied by and occur in conjunction with "[a] project agreement, including any accompanying permit approval request, improvement permit, development permit, conditional use permit, variance, and master plan permit[.]" We question whether these terms are consistent with, or exhaustive of, the terms used by the counties in relation to its planning and permitting processes. We therefore recommend that the wording of this provision be drafted to be more general in nature to encompass all of the various instruments that a county may require in order to approve a project for such transfers.

We respectfully recommend that the Committee make the suggested amendments.

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

**HOUSE COMMITTEE ON WATER, LAND & OCEAN RESOURCES  
HOUSE COMMITTEE ON HOUSING**

March 12, 2012, 9:00 a.m.  
Room 325, State Capitol

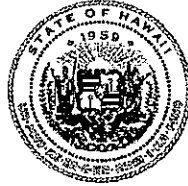
In consideration of  
**S.B. 2927, S.D. 2**  
**RELATING TO COMMUNITY PLANNING.**

The HHFDC *supports the intent* of S.B. 2927, S.D. 2.

This measure would facilitate residential development in mixed use neighborhoods in urban districts, 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 testify.

NEIL ABERCROMBIE  
GOVERNOR



GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
FORD N. FUCHIGAMI  
JADE BUTAY  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:

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

March 12, 2012

**S.B. 2927, S.D. 2  
RELATING TO COMMUNITY PLANNING**

HOUSE COMMITTEE(S) ON WATER, LAND & OCEAN RESOURCES  
and HOUSING

The Department of Transportation (DOT) supports the intent of Senate Bill 2927 S.D.2 (SB2927SD2) but has the following comment:

The bill does not clearly define how the various State agencies' jurisdiction and requirements will be addressed. In the case of the DOT, the establishment of planning districts within the specified areas from county designated rail or bus transit stations has the potential to negatively impact both our Airports and Harbor facilities. If a development within the vicinity of our facilities were allowed unmitigated, the development may affect our operations (example: Honolulu harbor cruise traffic during boat days) or conflict with restrictions imposed by other agencies (example: height and safety restrictions imposed by the FAA around airports).

Thank you for the opportunity to provide testimony.





IN REPLY REFER TO:  
CMS-APO0-00160

HONOLULU AUTHORITY for RAPID TRANSPORTATION

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

March 9, 2012

Via Email: [WLOtestimony@Capitol.hawaii.gov](mailto:WLOtestimony@Capitol.hawaii.gov)

The Honorable Jerry L. Chang, Chair  
The Honorable Rida T.R. Cabanilla, Chair  
and Members of the Committees on Water, Land,  
and Ocean Resources and Housing  
House of Representatives  
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  
Kestle W. K. Hui  
Damien T. K. Kim  
Glenn M. Okimoto, Ph.D.  
David K. Tanoue  
Wayne Y. Yoshitoka

Dear Chair Chang, Chair Cabanilla, and Representatives:

Subject: SB 2927, SD 2, A Bill for An Act Relating to Community Planning  
Committees on Water, Land, and Ocean Resources and Housing  
Monday, March 12, 2012, at 9:00 am

The Honolulu Authority for Rapid Transportation (HART) appreciates your Committees' effort to review legislation that promotes good community planning and spur economic development. HART supports the intent of the above-referenced measure and since this is a land use and planning matter, we defer to the responsible City agency, the Department of Planning and Permitting, to work with your Committees as this measure moves forward in the legislative process.

Thank you for this opportunity to comment.

Sincerely,

Kenneth Toru Hamayasu  
Interim Executive Director and CEO

cc: HART Board

**BIA-HAWAII**  
BUILDING INDUSTRY ASSOCIATION

Testimony to the House Committees on Water, Land & Ocean Resources, and Housing  
Monday, March 12, 2012  
9:00 a.m.  
State Capitol - Conference Room 325

**S.B. 2927 SD2, RELATING TO COMMUNITY PLANNING**

Chairs Chang and Cabanilla and Vice Chairs Har and Ito, and members of the committees:

I am Gladys Marrone, Director of Government Relations for the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of 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. 2927 SD2. The bill proposes to establish planning districts and create a process for developers to apply for residential and commercial exceptional planning projects. The bill also proposes to establish the transit-oriented or main-street redevelopment program and authorizes state and county incentives for exceptional planning projects. Finally, it establishes a discretionary review process for the transfer of 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 discussions on development of vibrant communities with the rail and bus transit projects.

Thank you for this opportunity to express our views.



Testimony to the House Committees on Water, Land & Ocean Resources, and Housing  
Monday, March 12, 2012  
9:00 a.m.  
State Capitol - Conference Room 325

**SENATE BILL NO. 2927 SD2, RELATING TO COMMUNITY PLANNING**

Chairs Chang and Cabanilla and Vice Chairs Har and Ito, and members of the committees:

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

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

We believe that healthy discussion is essential in matters dealing with the future of Honolulu's transit system, 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 discussions on development of vibrant communities with the rail and bus transit projects.

Thank you for this opportunity to express our views.

1065 Ahua Street  
Honolulu, HI 96819  
Phone: 808-833-1681 FAX: 839-4167  
Email: [info@gcahawaii.org](mailto:info@gcahawaii.org)  
Website: [www.gcahawaii.org](http://www.gcahawaii.org)



# GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

March 12, 2012

TO: HONORABLE REPRESENTATIVES JERRY CHANG, CHAIR, SHARON HAR, VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON WATER LAND & OCEAN RESOURCES

HONORABLE REPRESENTATIVES RIDA CABANILLA, CHAIR, KEN ITO, VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON HOUSING

SUBJECT: **SUPPORT OF S.B 2927, SD2 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-oriented or main-street redevelopment program. Authorizes state and county incentives for exceptional planning projects. Establishes a discretionary review process for the transfer of floor area within the planning district. Effective 07/01/2050. (SD2)

### HEARING

DATE: Monday, March 12, 2012  
TIME: 9:00 a.m.  
PLACE: Conference Room 325

Dear Chairs Chang and Cabanilla, Vice Chairs Har and Ito and Members of the Committees:

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 80<sup>th</sup> 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, SD2, 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. Further, 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. The purpose and intent of this measure is to facilitate high quality commercial and residential development by establishing planning districts on land adjacent to public transportation stations and centers that will promote neighborhood reinvestment, using an expedited process to reduce up-front costs. This bill will promote a sustainable walkable, car-free and environmentally friendly type neighborhood, where people will be abandoning their cars and opting to ride public transportation.

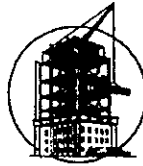


GCA supports this innovative planning concept which aims to encourage private investment and address the much needed coordination between the city and state entities to bring projects to fruition. In cities across the nation, through redevelopment and the implementation of smart growth principles, cities are reducing their dependence on foreign resources and encouraging use of public transportation. S.B. 2927, SD2 provides a blueprint for the development of urban projects that will help encourage use of public transportation.

Opponents to this measure may argue that this bill does not allow proper public participation, however the county council process in all counties practice transparent and open meetings whereby the public will have ample time to participate and express concerns prior to approval of any exceptional planning progress. Additionally, the bill allows for the counties to promulgate rules regarding exemptions and standards in developing such an exceptional planning project. Therefore, this bill would allow counties to, with the public's help, create the framework that will govern the development of such exceptional projects. In turn, these projects will create more innovative neighborhoods and reduce urban sprawl.

For these reasons, we support S.B. 2927, SD2 and respectfully request this Committee to pass this measure.

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



**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

March 9, 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 Representative Jerry Chang, Chair  
Honorable Representative Sharon Har, Vice Chair  
Members of the Committee on Water Land and Ocean Resources  
Honorable Representative Rida Cabanilla, Chair  
Honorable Representative Ken Ito, Vice Chair  
Members of the Committee on Housing

Hawaii State Capital  
415 South Beretania Street  
Honolulu, HI 96813

RE: **IN SUPPORT** of SB2927 SD2 RELATING TO COMMUNITY PLANNING  
Hearing: Monday, March 12, 2012 at 09:00 am, Room 325

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

The House of Representatives  
The Twenty-Sixth Legislature  
Committees on Water, Land &  
Ocean Resources, and Housing  
March 12, 2012  
9:00 a.m., Room 325

Statement of the Hawaii Carpenters Union on SB 2927, SD2

The Hawaii Carpenters Union supports the passage of SB 2927, SD 2, to allow continued work on this important step towards both creative and rational urban planning. Consider that for working families, the need has accelerated for alternatives to increasing constriction of new housing development options, and increasing automobile costs and traffic time.

The Bill allows for interaction with Counties, and provides tools to positively transform already urbanized areas, and areas with mass transit hubs that are resources we want to build upon.

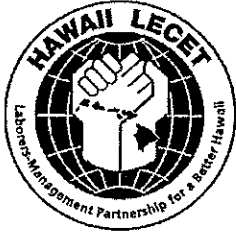
The revitalization of our urban core, and the planning of more livable main-street centers have long been discussed as a desirable vision. Transit Oriented Development (TOD) is a central part of the discussion, because of the great potential for increased human uses and decreased automobile uses. The creative redevelopment of Honolulu's urban corridor, the resulting jobs, housing, services, lifestyles and economic revitalization, can be catalyzed by transit stations.

The SD2 removes a number of provisions from the SD1 that deserve more work towards solutions, rather than deletion. For example, redevelopment of a long-urbanized area may not generate the kinds of impacts that development of newly urbanized land might, which should be addressed, not dropped.

The removal of the Hoopili transit station may have been because of its name association, overshadowing the fact that in itself it provides the resource of mass transit. That should be discussed further, to develop provisions of the Bill to enhance the use of mass transit by working people at this, as well as other hubs. Working people need an alternative to be able to remove themselves from their cars, from hours in traffic, gas and other operating costs, from parking, repair and purchase costs. Make it easier for them to do so.

While it is a long range planning and development process, TOD needs to begin now. Given a framework of what to expect, both public and private sectors can begin planning that can be refined as the framework is filled out, rather than waiting for years. Private developers and service providers can bring proposals to government.

We urge the passage of SB 2927 SD 2, which will allow continued discussion through the course of this legislative session. Thank you for considering the testimony of the Hawaii Carpenters Union.



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

SENATE COMMITTEE ON WATER, LAND & HOUSING  
Tuesday, February 14, 2012  
1:45 p.m., Conference Room 225

**SB 2927 - RELATING TO COMMUNITY PLANNING**

Aloha Chair Dela Cruz, Vice Chair Solomon, 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 **“supports”** SB 2927 which allows the counties to create county transit-oriented development programs. It establishes planning districts and creates a process for developers to apply for residential and commercial exceptional planning projects.

The Hawaii LECET envisions SB 2927 will support the counties develop transit-oriented developments in the years to come.

Thank you for the opportunity to submit this testimony.



*Hawaii's Thousand Friends*

25 Malunui Ave., Suite 102., PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@java.net

March 12, 2012

COMMITTEE ON WATER, LAND & OCEAN RESOURCES

Rep. Jerry Chang, Chair  
Rep. Sharon Har, Vice Chair

COMMITTEE ON HOUSING

Rep. Rida Cabanilla, Chair  
Rep. Ken Ito, Vice Chair

SB 2927, SD2  
RELATING TO COMMUNITY PLANNING

Committee Chairs and Members:

Hawaii's Thousand Friends, a statewide non-profit land and water use organization, opposes SB 2927 SD2 that establishes a "fast track" process to facilitate commercial and residential development of an "exceptional level" on land adjacent to public transportation stations and centers.

Hawaii's residents and businesses deserve certainty in state and county land use planning and zoning laws and processes. County General Plans and Oahu Development and Sustainable Community Plans are in place to provide orderly and directed growth. If approved "exceptional planning projects" would act outside of and contrary to these processes, laws and Plans.

SB 2927 SD2 makes a mockery of county planning and zoning by allowing an overlay of "exceptional planning projects" that (1) are exempt from all state fees associated with land development, (2) are exempt from zone change processes and compliance with zoning standards and (3) curtails public participation by requiring county councils to act within 45-days which limits the number of committee meetings and public hearings.

This anti-planning, zoning and public participation bill must be held in committee.

March 9, 2012

The Honorable Representative Jerry Chang, Chair  
Committee on Water Land and Ocean Resources  
The Honorable Representative Rida Cabinilla, Chair  
Committee on Housing  
Hawai'i State Capitol  
Honolulu, HI 96813

RE: Testimony in strong opposition to SB 2927 SD 2 relating to Community Planning

Chairs Chang, Cabinilla and Members of the Committee:

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 SD2 exempts and bypasses:

- established land use zoning and re-zoning regulations
- long-standing Environmental Review requirements that protect our communities and the environment
- State development impact fees (HRS 264-123) including those for schools and public facilities needed to support high-density residential development;

SB 2927 SD2 mandates that the counties *shall* provide additional “fast track” development incentives, yet these remain undefined and open to speculation. It restricts the counties’ 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. And it denies public due process and the constitutional right of judicial review for “exceptional” development decisions.

In summary, this measure dictates county planning, ignores county general plans, area development plans and established community plans, and a virtual free ticket to development that could indeed pave the way for unfettered vertical sprawl in some very unintended and protected areas.

This measure enables the State and counties, along 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.

SB 2927 SD2, is an attempt to undermine laws protecting our finite resources and unique environment. Instead it promotes massive development at the cost of the quality of life of our residents and threatens the visitor industry, on which virtually our entire economy depends.

**Please hold this horrible legislation.**

Bob Loy  
Interim CEO and Director of Environmental Programs

The Pacific Resource  
**PARTNERSHIP**



Testimony of C. Mike Kido  
External Affairs  
The Pacific Resource Partnership

House Committee on Water, Land, & Ocean Resources  
Representative Jerry L. Chang, Chair  
Representative Sharon E. Har, Vice Chair

House Committee on Housing  
Representative Rida T.R. Cabanilla, Chair  
Representative Ken Ito, Vice Chair

SB 2927, SD2 – Relating to Community Planning  
Monday, March 12, 2012  
9:00 AM  
Conference Room 325

Aloha Chair Chang, Chair Cabanilla, Vice Chair Har, Vice Chair Ito and Members of the Committees:

My name is C. Mike Kido, External Affairs of the Pacific Resource Partnership (PRP), a labor-management consortium representing over 240 signatory contractors and the Hawaii Regional Council of Carpenters (f.k.a. Hawaii Carpenters Union).

PRP strongly supports legislation which promotes smart growth and thus, support SB 2927, SD2 – Relating to Community Planning which establishes planning districts and creates a process for developers to apply for residential and commercial exceptional planning projects. The measure also establishes the transit or main-street redevelopment program and authorizes state and county incentives for exceptional planning projects.

The SD2 version deletes language that classifies the planning districts as urban, requires applications for planning districts near a bus transit station or center to be located in areas with existing infrastructure and within a developed community. This measure also restricts applications for planning districts near the rail stations be located near the first 6 stations, requires the transit ridership study to determine the service population, transportation demands, and other factors to achieve ridership goals. This measure allows for the exemption of all state fees provided that it is approved by the agency which receives the fee, and allows an exemption from the environmental assessments as determined by the county or rules and the redevelopment project is in an area with existing infrastructure. County incentives would be developed and subject to rules and would require the counties to develop rules for the criteria of incentives, consideration of existing land usage, and assurances for a fair and equitable application process.



Rail Transit and Transit Oriented Development (TOD) will help reduce traffic congestion, urban sprawl, and vehicle emissions. Rail and TOD will create sorely needed jobs and affordable housing --improving our economy and quality of life for Hawaii residents.

Thank you for the opportunity to share our views with you and we respectfully ask for your support on SB 2927, SD2.

## har2-Samantha

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 10, 2012 1:48 PM  
**To:** WLOtestimony  
**Cc:** ChoonJamesHawaii@gmail.com  
**Subject:** Testimony for SB2927 on 3/12/2012 9:00:00 AM

Testimony for WLO/HSG 3/12/2012 9:00:00 AM SB2927

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Choon James  
Organization: Country Talk Story  
E-mail: [ChoonJamesHawaii@gmail.com](mailto:ChoonJamesHawaii@gmail.com)  
Submitted on: 3/10/2012

**Comments:**

NO to SB2927 SD-2 - Land Use for Exceptional Projects of Exceptional Quality

Aloha to all:

We are very alarmed that our testimonies submitted for the March 6, 2012 hearing are still not posted on the website as of this writing (March 10).

Yet, the vote to pass out of the Senate Floor took place on March 6, 2012.

I was told that we had to submit testimonies 24 hours prior to the meeting. After that, testimonies are LATE and not reviewed by decision-makers.

However, if you look at the schedule below, the system is exceptionally unfriendly and exceptionally undemocratic towards citizens.

3/2/2012	S	48 Hrs. Notice 03-06-12.
3/6/2012	S	Report adopted; Passed Third Reading, as amended (SD 2). Ayes, 24; Aye(s) with reservations: Senator(s) Ihara, Kim, Ryan, Tokuda . Noes, 1 (Senator(s) Slom). Excused, 0 (none). Transmitted to House.
3/6/2012	H	Received from Senate (Sen. Com. No. 361) in amended form (SD 2).
3/8/2012	H	Pass First Reading
3/8/2012	H	Referred to WLO/HSG, TRN/ERB, FIN, referral sheet 41
3/9/2012	H	Bill scheduled to be heard by WLO/HSG on Monday, 03-12-12 9:00AM in House conference room 325.

It's exceptionally unhelpful to post notices on Fridays to announce hearings for the following Monday. You all are expecting citizens to become exceptional vigilantes at the State Capitol.

concerning SB 2927, We are very alarmed at the concerted effort to dilute open government and public engagement. The first version introduced by Donovan Dela Cruz was absolutely inexcusable but the amended version is still a threat to basic good democratic values.

Please kill SB 2927 SD-2. It has no place in a democracy. It grates against everything democratic.

Choon James

808 293 9111

[ChoonJamesHawaii@gmail.com](mailto:ChoonJamesHawaii@gmail.com)

Background:

The written purpose of SB 2927 SD 2 is 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. But what are the real reasons for this bill that:

- 1) Exempts "exceptional planning projects" approved by the legislature from all state fees associated with land development.
- 2) Exempts "exceptional planning projects" approved by county councils from zone change process and compliance with zoning standards.
- 3) Requires county planning agencies to act within 45-days.
- 4) Requires county councils to act within 45-days.
- 5) Authorizes counties to establish planning districts within the urban district.
- 6) Authorizes counties to specify radius for transit oriented development around a bus transit station or center or rail transit station.
- 7) Authorizes the counties to accept an exceptional planning project within a planning district.
- 8) Authorizes counties with a planning district to establish a transit-oriented or main-street redevelopment program - Authorizes counties to establish a transfer of floor area within a planning district from a sending site to a receiving site.

If passed HB 2927 SD2 would allow "exceptional planning projects" which is not defined in the bill to supersede all county planning and zoning and dictates a time frame that limits and marginalizes public input.

Hawaii's residents deserve certainty in their land use planning and zoning processes. This anti-planning and anti-citizen participation bill must be stopped.

## har2-Samantha

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 10, 2012 12:18 PM  
**To:** WLOtestimony  
**Cc:** prentissc001@hawaii.rr.com  
**Subject:** Testimony for SB2927 on 3/12/2012 9:00:00 AM

Testimony for WLO/HSG 3/12/2012 9:00:00 AM SB2927

Conference room: 325  
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: 3/10/2012

**Comments:**

Developers can still implement these projects under existing procedures. Why would you take away the public protections that our current rules provide? We count on the Legislature to protect us, not to cancel regulations like George Bush did for Wall Street.

HOUSE COMMITTEE ON WATER, LAND AND OCEAN RESOURCES  
HOUSE COMMITTEE ON HOUSING  
Joint Committee Hearing

Monday, March 12, 2012  
9:00 AM, Conference Room 325

Senate Bill 2927, SD2  
Relating to "Community Planning"

Aloha Chairs Chang and Cabanilla and WLO/HSG 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, SD2. This proposed legislation is a **misdirected measure** that proposes to:

- establish "exceptional" high-density developments responding to **imposed undefined goals** for future transit ridership.
- **establish large tracts of state and county land** as "urban planning districts" to consume unknown expanded areas around:
  - six (6) potential West and Central Oahu rail stations with **whatever extended land area that may be decided to achieve unknown goals for overall mixed-use density and undefined transit ridership;**
  - bus transit stations **within any contemplated planning district on any state or county land on every island** – which could impact and adversely affect open shoreline recreational areas and historic sites in urban areas.

The intent of this bill is to **exempt state and county projects from important and established regulatory oversight** through a "**fast track**" development process for any urban state or county lands. SB 2927, SD2 **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;
- State development impact fees (HRS 264-123) including those for **public facilities needed to support high-density mixed-use residential development.**

SB 2927 mandates that the counties *shall* provide **additional "fast track" undefined development incentives and untold exemptions** from the established planning and development process, and leaves such incentives and exemptions **open to speculation.**

SB 2927 **restricts** the county development agency's review and decision on any proposed planning district development to 45-55 days, and **restricts** the 2-month county legislative process review for projects approved by the development agency to 45 days – thus **short-circuiting and denying due process** by Neighborhood Boards and the two-month legislative process for County Councils.

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, overrides 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 areas.

This measure is nothing more than a guise for enabling the State and counties together with private interests to engage in the **precedent proliferation of high-density development**.

As with similar legislation proposed this year, SB 2927, SD2, remains 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** 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.

**SB 2927, SD2 is the antithesis  
of all that has gone before in the Greater Public Interest.**

**Please HOLD this bill!**

Most sincerely,

Michelle S. Matson

## har2-Samantha

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 11, 2012 12:07 AM  
**To:** WLOtestimony  
**Cc:** tane\_1@msn.com  
**Subject:** Testimony for SB2927 on 3/12/2012 9:00:00 AM

Testimony for WLO/HSG 3/12/2012 9:00:00 AM SB2927

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: David M.K. Inciong, II  
Organization: Individual  
E-mail: [tane\\_1@msn.com](mailto:tane_1@msn.com)  
Submitted on: 3/11/2012

Comments:  
Sensitive areas will be affected which could be devastating.

TO: Members of the Committees on Water, Land & Ocean Resources and Housing

FROM: Natalie Iwasa  
808-395-3233

HEARING: 9 a.m. Monday, March 12, 2012

SUBJECT: SB2927, SD2 Fast-tracked Development **(OPPOSED)**

Aloha Chairs and Committee Members,

Thank you for allowing me to provide testimony in opposition to SB 2927, SD2, which would allow developers to by-pass many of our land-use planning laws. While I have heard it sometimes takes many months to get plans approved, this bill, even in its amended form, goes too far in the other direction in its attempt to speed up the process.

The following components of the bill are particularly disturbing:

- Action must be taken by the planning agency within 45 days of the application being deemed complete (a 10-day extension may be available for good cause);
- Legislative bodies, i.e., county councils, must also take action with 45 days of receipt of an approved application; and
- These “exceptional” developments are exempt from the zoning change process and compliance with zoning standards (this alone should be enough for every legislator to vote no).

Please vote “no” on this bill.



**har2-Samantha**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 10, 2012 10:25 PM  
**To:** WLOtestimony  
**Cc:** pbdocberry@gmail.com  
**Subject:** Testimony for SB2927 on 3/12/2012 9:00:00 AM

Testimony for WLO/HSG 3/12/2012 9:00:00 AM SB2927

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Paul Berry  
Organization: Individual  
E-mail: [pbdocberry@gmail.com](mailto:pbdocberry@gmail.com)  
Submitted on: 3/10/2012

**Comments:**

Please vote NO on SB2927. This disastrous bill aims to set back Hawaii's environment in multiple ways, and invites corruption of environmental protections our fragile natural resources require.

Senator de la Cruz should /be ashamed for submitting it.

Paul Berry

## har2-Samantha

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 10, 2012 8:23 AM  
**To:** WLOtestimony  
**Cc:** Hulame@hawaiiantel.net  
**Subject:** Testimony for SB2927 on 3/12/2012 9:00:00 AM

Testimony for WLO/HSG 3/12/2012 9:00:00 AM SB2927

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Danielle Guion-Swenson  
Organization: Individual  
E-mail: [Hulame@hawaiiantel.net](mailto:Hulame@hawaiiantel.net)  
Submitted on: 3/10/2012

**Comments:**

Vote NO on SB 2927 SD 2 because The People should always have a say in use of the land. You, are but the vehicle through which the democratic process should happen. You are not the dictator or lord of the land use.

## har2-Samantha

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 10, 2012 5:06 AM  
**To:** WLOtestimony  
**Cc:** rkaye@mdi.net  
**Subject:** Testimony for SB2927 on 3/12/2012 9:00:00 AM

Testimony for WLO/HSG 3/12/2012 9:00:00 AM SB2927

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Robin Kaye  
Organization: Individual  
E-mail: [rkaye@mdi.net](mailto:rkaye@mdi.net)  
Submitted on: 3/10/2012

**Comments:**

Please do NOT pass SB2927 SD2. We do not need to fast-track development projects; what we need to do is to respect the long-standing environmental protections that will keep Hawaii from becoming Los Angeles.

har2-Samantha

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 09, 2012 5:57 PM  
**To:** WLOtestimony  
**Cc:** carolphilips1@gmail.com  
**Subject:** Testimony for SB2927 on 3/12/2012 9:00:00 AM

Testimony for WLO/HSG 3/12/2012 9:00:00 AM SB2927

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Carol Philip  
Organization: Individual  
E-mail: [carolphilips1@gmail.com](mailto:carolphilips1@gmail.com)  
Submitted on: 3/9/2012

Comments:

Dear Honorable Legislators,

I'm writing to ask you to vote no on this bill because it's goal is to facilitate Successful planning, well designed, well integrated development is completely contradictory to the concept of "fast track". To well plan a project you must take your time.

Respectfully,  
Carol

## har2-Samantha

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 09, 2012 12:42 PM  
**To:** WLOtestimony  
**Cc:** pennysfh@hawaii.rr.com  
**Subject:** Testimony for SB2927 on 3/12/2012 9:00:00 AM

Testimony for WLO/HSG 3/12/2012 9:00:00 AM SB2927

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Penny Levin  
Organization: Individual  
E-mail: [pennysfh@hawaii.rr.com](mailto:pennysfh@hawaii.rr.com)  
Submitted on: 3/9/2012

Comments:

As a planner, I strongly oppose this measure. Who determines what "exceptional" means? The excuse of "affordable housing" is merely that and does not make a project "exceptional". This bill also overrides the rights of each County to self-determination, most particularly, it dismisses out of hand the long process of developing strong County regional development and Community Plans, the long range 2030 and 2050 plans and so many others.

This is an affront to local governance, sound existing planning law, rule and process. Why call us a democracy or have legislators at all?!

I urge you to kill this bill.

## har2-Samantha

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 11, 2012 3:04 PM  
**To:** WLOtestimony  
**Cc:** pahinuik001@hawaii.rr.com  
**Subject:** Testimony for SB2927 on 3/12/2012 9:00:00 AM

Testimony for WLO/HSG 3/12/2012 9:00:00 AM SB2927

Conference room: 325  
Testifier position:  
Testifier will be present: No  
Submitted by: Kathleen Pahinui  
Organization: Individual  
E-mail: [pahinuik001@hawaii.rr.com](mailto:pahinuik001@hawaii.rr.com)  
Submitted on: 3/11/2012

Comments:

## har2-Samantha

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 11, 2012 5:46 PM  
**To:** WLOtestimony  
**Cc:** bdshafer@gmail.com  
**Subject:** Testimony for SB2927 on 3/12/2012 9:00:00 AM

Testimony for WLO/HSG 3/12/2012 9:00:00 AM SB2927

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Benjamin Shafer  
Organization: Individual  
E-mail: [bdshafer@gmail.com](mailto:bdshafer@gmail.com)  
Submitted on: 3/11/2012

**Comments:**

Aloha mai kakou,  
I believe in less beauraracy and fast tracking but never giving into incompetence, irresponsibility, ignorance and short-sightedness. Help developers to comply With the regulations by quickly turning around their request on how to meet standards. Each request should be on-line instantly for public review and scrutiny. If DPP is going to side with developers over their own regulations they should be denied a seat at the table because there is a conflict of interest and represent the interest of developers.

Mahalo nui loa,  
Ben Shafer