

SB2927

Allows the counties to create county transit-oriented development programs. Establishes planning districts and creates a process for developers to apply for residential and commercial exceptional planning projects.



IN REPLY REFER TO:
CMS-AP00-00135

HONOLULU AUTHORITY for RAPID TRANSPORTATION

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

February 13, 2012

VIA Email: WLHtestimony@Capitol.hawaii.gov

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

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Dear Chair Dela Cruz, Vice Chair Solomon, and Senators:

Subject: SB 2366 Relating to Community Planning
SB 2927 Relating to Community Planning
Committee on Water, Land, and Housing
Tuesday, February 14, 2012, at 1:45PM

The Honolulu Authority for Rapid Transportation supports the intent of SB2366 and SB2927, which would, among other things, create a process for developers to apply for residential and commercial exceptional planning projects. However, we defer to the Department of Planning and Permitting for modifications to the proposed bills and for further clarification.

We thank you for this opportunity to submit written testimony.

Sincerely,

Kenneth Toru Hamayasu
Interim Executive Director and CEO

cc: HART Board

Bernard P. Carvalho, Jr.
Mayor



Michael A. Dahilig
Director of Planning

Gary K. Heu
Managing Director

Dee M. Crowell
Deputy Director of Planning

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**COUNTY OF KAUAI TESTIMONY IN LIMITED SUPPORT
RELATING TO SENATE BILLS 2366 and 2927 RELATING TO TRANSIT ORIENTED
DEVELOPMENT PLANNING DISTRICTS AND THE CREATION OF THE HAWAII
COMMUNITY PLANNING AUTHORITY.**

Before the Senate Committee on Water, Land and Ocean Resources
Tuesday, February 14, 2012
1:45 pm Conference Room 225

By Michael A. Dahilig
Director of Planning, County of Kaua'i

Honorable Chair Dela Cruz, and Honorable Members:

The County of Kauai supports the intent of Senate Bills 2366 and 2927 relating to Transit Oriented Development (TOD) Planning Districts and the creation of the Hawaii Community Planning Authority (HCPA).

We concur with the legislation's purpose to shift planning focus toward multi-modal transportation alternatives. Although Kauai is the smallest county, we do have a robust public bus transportation system that development could be retooled around to further more focused development. We also concur that the planning process does need to be streamlined in order to rapidly facilitate TOD projects. However, our department does have some concerns relating to the overlapping authority of the HCPA, and would still want to preserve some degree of home-rule zoning authority over these districts.

As written, HCPA authority would wholly supersede that of the counties, and the only avenue for county involvement would be the designation of a rail or bus facility. We believe the County does need to be more engaged as the project matures from concept to reality. For example, counties should be able to clearly delineate the actual planning district radius as a fixed distance which may not be applicable in all situations. Also, form and character remains a top concern and developers should be required to obtain

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approval from the county planning agency for streetscape and design guideline compliance before construction can commence. HCPA should also be required to meet

local utility requirements as a consequence of development, including upgrading of water, sewer and road infrastructure as prescribed by the appropriate government or quasi-public agency.

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Density remains a particularly touchy issue on the island in light of Agricultural subdivisions that have carved the land to create gentlemen estates. Currently, the counties maintain much of the authority over density, and much of our zoning regime is structured over this issue which counties have residual jurisdiction after Chapter 205 application. At a minimum, any density transfers should have the concurrence of the county planning agency, or a Chapter 46 mandate requiring the counties to develop a density transfer program by legislation.

The legislation could also adjust the Chapter 46 amendments to encourage the Counties to develop their own TOD programs. For example the County could also benefit from some of the other tools meant to incentivize the TOD process planning and development, and we would also suggest clear authority to waive LUC, HEPA and CZMA requirements in situations where the TOD could be implemented without assistance from HCPA.

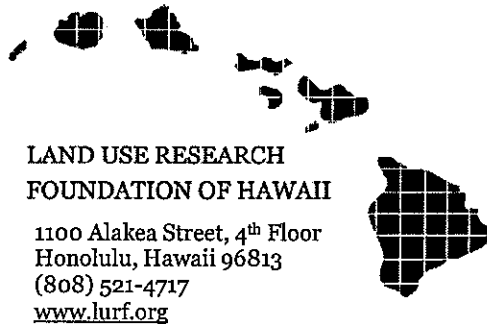
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Thank you for the opportunity to present this testimony.

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LAND USE RESEARCH
FOUNDATION OF HAWAII

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February 13, 2012

Senator Donovan M. Dela Cruz, Chair
Senator Malama Solomon, Vice Chair
Senate Committee on Water, Land, and Housing

Comments regarding SB 2927, Relating to Community Planning (Changes HCDA to HCPA; allows designation of TOD development zones; authorizes funding improvements via BIDs; HCPA to act as a density bank and the waiver of impact fees;)

Tuesday, February 14, 2012, 1:45 p.m., in CR 225

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 **comments** and support for the intent of this measure.

SB 2927. This bill changes the Hawaii Community Development Authority ("HCDA") to the Hawaii Community Planning Authority ("Authority"); and authorizes it to, among other things,

- Designate TOD zones and related TOD zone development plans, community development guidance policies, zone improvement programs and community development rules;
- Enter into cooperative agreements for the development of the TOD zone development plan;
- Coordinate planning activities with federal, state and county plans; and
- Provide funding assistance through State appropriations, authorization to use bonds, or both to implement the TOD zone development plans;
- Create business improvement districts ("BIDs") and assessments for the purpose of providing and financing supplemental maintenance, security services and other improvements, services and facilities within the BID to restore or promote business activity;
- Act as a density rights bank, to transfer and regulate the transfer of density rights; and
- Grant an exemption from impact fees upon sufficient justification.

LURF's Position. LURF supports the intent of the 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. We would, however, recommend that the HCDA, various state and county agencies, and private stakeholders continue to work together to reach a consensus regarding this bill.

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

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.