

Testimony of Robert Loy
Director of Environmental Programs
The Outdoor Circle

HB 1118
Committee on Housing
February 4, 2013
8:45 AM
Room 329

The Outdoor Circle appreciates the opportunity to testify on HB1118. Mahalo. However, we strongly oppose the adoption of this bill. While we understand the sponsor's effort to address the island's affordable rental housing shortage, we believe the primary focus of this legislation is ill-conceived and unnecessary to achieve its stated goals.

HB1118 would lift any and all height restrictions on buildings in Honolulu's "urban core." In return for this overbroad exemption, developers must promise that only 20% of the units built above the 3rd floor will be constructed as affordable rental units. The first three floors and 80% of the rest of the building will be market priced units.

The false premise of this legislation is that in order to entice developers into constructing affordable rental housing the people of Honolulu must sacrifice the view planes and beauty that are the hallmarks of why many people chose to live here. This is simply not true. The State of Hawai'i, in justifying the outrageous 650 foot project called 690 Pohukaina, already made the false claim that such exemptions are necessary or developers won't build. Yet both developers in the final cut were adamant that they do not need to go to those heights to construct affordable housing that is also profitable.

Other developers already are proving that it is possible to build large scale affordable housing projects in the "urban core" without exceeding existing height limits in anyway, and while including absolutely no market-priced units at all. In other words...entirely affordable--workforce housing, within existing height limits--is feasible and happening today.

As an example, 801 South Street is a condo development planned for the corner of South and Kawaiaha`o streets. All 635 units will be "workforce" housing.....none will be market priced. 801 South Street also proposes a second phase with an additional 400 units. That would be a total of more than 1,000 workforce housing units....all at "workforce" prices. 801 South Street will be no higher than 400 feet tall, the current Kaka`ako height limit. And it is important to note that the 801 South Street project is the work of local developer Marshall Hung who has constructed several successful workforce housing projects on O`ahu..

Please do not be fooled into believing that its necessary to build market-priced housing in order to meet Hawai'i's affordable housing needs. And you can absolutely believe that there is no reason or excuse to exempt developers from the height limits that have been long established through collaborative, public processes. If we've learned nothing in the past year with the deplorable effort to create the Public Land Development Corporation, it is that the people of Hawai'i will not tolerate blanket exemptions from laws that have been carefully crafted to protect our island.

This legislation ignores both of these facts. And in the end, those who benefit the most will be developers and wealthy ocean view condo buyers--not those desperate for affordable housing in Hawai'i. We can meet Hawai'i's affordable housing needs without sacrificing the city's view planes and without being coerced into building high-end condos for the rich.

Please hold this legislation.

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February 4, 2013

The Honorable Rida T. R. Cabanilla, Chair
and Members of the Committee on Housing
Hawaii State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Cabanilla and Members:

Subject: House Bill 1118
Relating to Housing

The Department of Planning and Permitting (DPP) is **opposed** to House Bill 1118, which would exempt qualifying projects with affordable rental housing to be exempt from county building height limits.

The City strongly supports the creation of affordable housing. However, this is clearly a **homerule** issue. Counties are responsible for long range land use planning and implementing zoning provisions. This revision usurps these responsibilities, and provides no justification for the minimum percentage of affordable units, the duration of affordability, and the basis for the eligible geographic area. They appear arbitrary.

The City's Primary Urban Center (PUC) Development Plan provides guidance on the development of urban neighborhoods, which includes the proposed "urban core" as defined by the bill. The Plan calls for collaborative neighborhood planning, promotion of mixed use, protection of significant public views, and actually discourages additional height limits for "in town residential neighborhoods" such as McCully and Ala Moana.

No Collaborative Planning. Under this bill, there is no public engagement process, no public hearing, and therefore shuts the community out from commenting on projects that may have severe detrimental impacts on the character of their community.

No Promotion of Mixed Use. Under our Transit-Oriented Development (TOD) program we are actively planning for vibrant neighborhoods where everyday retail and services are conveniently within walking distance. Moreover, the design of buildings, especially tall towers, should be sensitive to their effect on creating a safe, lively pedestrian-friendly environment. This bill does not ensure, or even consider these concerns.

No Protection of Significant Public Views. House Bill No. 1118 would allow taller buildings without regard to their effect on important public views, particularly mauka-makai views in the designated area. Further, there is no maximum height limit that would be allowed.

Existing Building Height Limits. The Land Use Ordinance (LUO), which is our zoning code, regulates land use in a manner that encourages orderly development in accordance with adopted land use policies, including the Oahu General Plan, the PUC Development Plan, and any neighborhood plans, such as our pending Ala Moana TOD Plan. The LUO, as adopted by City Council, is intended: (1) to minimize adverse effects resulting from the inappropriate location, use or design of sites and structures; (2) conserve the City's natural, historic, and scenic resources and encourage design which enhances the physical form of the City; and (3) provide reasonable development and design standards for the location, height, bulk and size of structures, yard areas, off-street parking facilities, and open spaces. The current height limits for the designated "urban core" area ranges from 150 feet to 350 feet. Under this bill, what height limit will be proposed?

Applicability. We are perplexed as to why House Bill No. 1118 amends Chapter 46, but would not be applicable to about half the designated "urban core" area, since these lands are under the jurisdiction of the Hawaii Community Development Authority, which does not fall under this Chapter.

Alternative Process. In the past 15 years, pursuant to Section 201H-38, HRS, the City has granted height exemptions for two affordable housing projects in this "urban core" area: a 110-foot increase for Pawa'a Redevelopment (1450 Young Street), and a 50-foot increase for Holomua Condominiums (1315 Kalakaua Avenue). These exemptions were granted on the individual merits of the projects, with careful planning considerations and ample public input regarding their impacts to the surrounding community.


Using the same program, other affordable housing projects in the area were granted other types of exemptions to help reduce development costs. Kulana Hale, Wisteria Vista, Kalakaua Vista, Kinau Vista, and Piikoi Vista were granted exemptions for encroachments into required yards and height setbacks, increased density, reduced parking, and exemption from permit fees.

In summary, House Bill No. 1118 is not a reasonable incentive for affordable housing. It ignores community values, community character, and community input. There is already a successful program in place to provide a wider range of incentives for affordable housing, and still respects these other public values. Thus, we request that House Bill No. 1118 be held.

The Honorable Rida T. R. Cabanilla, Chair
and Members of the Committee on Housing
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Thank you for the opportunity to testify on this bill.

Very truly yours,



Jiro A. Sumada, Acting Director
Department of Planning and Permitting

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