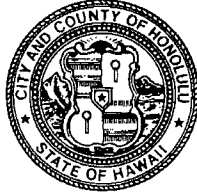


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

January 31, 2020

The Honorable Kaiali'i Kahele, Chair
and Members of the Committee on Water and Land
The Honorable Stanley Chang, Chair
and Members of the Committee on Housing
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Kahele and Chang, and Committee Members:

**Subject: Senate Bill No. 2642
Relating to Housing Density**

The Department of Planning and Permitting **opposes** Senate Bill No. 2642, which would authorize homeowners to vote to increase density for their respective block. The Bill also would authorize the Land Use Commission (LUC) to govern housing density increases. We believe it will allow landowners in all zoning districts, except the conservation district, to vote to increase housing density beyond what is permitted by the county. Owners would not be allowed to decrease density. Does this mean if two-thirds of the owners in an R-5 residential district vote to increase to apartment district, this would be allowed without due process at the county level?

Our opposition is based on the following:

- This Bill is confusing. It is not clear if it pertains to just rural districts, or all zoning districts, except the conservation district. On the one hand, the Bill initially refers to HRS 205c (rural districts), but in the amended Subsection d of this Bill, it refers to 205-5, which is the overall zoning statute.
- The bill is vague and will have to depend on Rules. It cannot take effect upon approval to provide time to adopt Rules. Which agency will administer, monitor and certify the voting process? Will there be screening by affected state and county departments? How much public and landowner outreach will be required before the vote? Will there be an appeal process?
- The bill ignores our well-established state and county land use planning and entitlement processes. The Bill makes no mention of compliance with relevant state and local plans, including the Hawaii State Plan, and even federal planning and regulatory requirements. It makes no attempt to determine if necessary infrastructure, including public schools, is available. This goes against general planning principles that land use planning and zoning should not be put to popular vote.

The Honorable Kaiali'i Kahele, Chair
and Members of the Committee on Water and Land
The Honorable Stanley Chang, Chair
and Members of the Committee on Housing
Hawaii State Senate
January 31, 2020
Senate Bill No. 2642
Page 2

- Questionable Legal Basis. The Bill appears to overstep the purpose of the Land Use Commission, by expanding its role to become a zoning authority. Moreover, Senate Bill No. 2642 makes no mention of the county zoning status of affected properties. By creating a density entitlement, does the Commission also play a role in how that density is used, i.e., does it also confer height limits, parking requirements, setbacks?
- Administration will be costly. Can you imagine one block in Haleiwa or on Wilhelmina Rise with highrise apartments and condominiums abutted by single-family homes? Should the one-third who voted against increasing density have to live with the drastic change in their neighborhood with no opportunity to appeal?

Finally, we do not know if the increased density would result in any more affordable housing. If this is the intent, the Bill makes no provision on how this will be monitored or enforced.

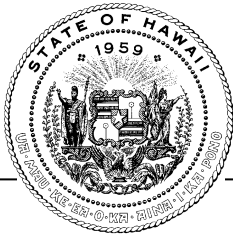
We agree with the need for more housing, but this Bill is too vague and the outcome open to chaos. Please hold it in Committee.

Thank you for the opportunity to testify.

Kathy K. Sokugawa



Acting Director.



OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
**SENATE COMMITTEE ON WATER AND LAND
AND
SENATE COMMITTEE ON HOUSING**

Friday, January 31, 2020

1:15 PM

State Capitol, Conference Room 229

in consideration of
SB 2642
RELATING TO HOUSING DENSITY.

Chairs Kahele and Chang, Vice Chairs Keith-Agaran and Kanuha, and Members of the Senate Committees on Water and Land and Housing.

The Office of Planning (OP) has concerns and offers the following comments on SB 2642. SB 2642 would amend provisions in Hawaii Revised Statutes (HRS) §§ 205-2(c) and 205-5 related to the State Rural Land Use District to enable homeowners in a block to vote to increase density within the block to exceed the density allowed under county ordinances. The bill would require the commission to increase the housing density upon an affirmative vote of two-thirds of the homeowners of the block.

While OP generally supports the intent of measures to enable greater density in the Rural District, this measure would not achieve that purpose, since the State Land Use Commission—the “commission” in this instance—does not have permitting authority in the Rural District.

Over the years, OP has supported initiatives to update State rural land use policy to reflect best practices in rural land use management. The time might be right for the State to work with the counties to review how the State land use framework could be amended to promote more effective rural land use policy that balances the promotion of rural clusters and rural village centers with the protection of rural open space and agricultural and natural resource lands.

Thank you for the opportunity to testify on this measure.