

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2915
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian
Affairs and Transportation, International and Intergovernmental
Affairs, to which was referred S.B. No. 2915 entitled:

"A BILL FOR AN ACT RELATING TO THE KAKAAKO COMMUNITY
DEVELOPMENT DISTRICT,"

beg leave to report as follows:

The purpose of this measure is to establish a process for the
Hawaii Community Development Authority (HCDA) to enter into
development agreements for lands within the Kakaako Community
Development District.

Testimony in support of the measure was submitted by three
private organizations. Comments were submitted by HCDA and one
private individual. Written testimony presented to your
Committees may be reviewed on the Legislature's website.

Your Committees find that predictability in the development
approval process encourages investors and developers and enables
community planning that is consistent and well-designed. While
development agreements are commonly used by HCDA in the Kakaako
Community Development District, more certainty is needed in
implementing development agreements so that developers are
reassured that their carefully designed housing or commercial
projects continue to be viable and not entirely subject to change
at any time. Accordingly, your Committees find that providing
some predictability for developers is important. However, your



Committees note that grants of development rights vesting must be tempered in order to avoid separation of powers issues.

One of the largest projects under development is being planned by Kamehameha Schools, encompassing twenty-nine acres within the Mauka Area of the Kakaako Community Development District. Given the mixed-use urban village envisioned by the HCDA and Kamehameha Schools, this type of predictability is needed. Your Committees also note that the plans for the City and County of Honolulu's rail project currently run through the Kaakako area. The HCDA noted that the fifty-foot setbacks required for the project have already been taken into account.

Your Committees have amended this measure by:

- (1) Revising the provisions regarding vesting of development rights in order to address issues of separation of powers;
- (2) Inserting an effective date of July 1, 2050, in order to ensure further discussion regarding these issues; and
- (3) Making technical, nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Transportation, International and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2915, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2915, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.



Respectfully submitted on
behalf of the members of the
Committees on Water, Land,
Agriculture, and Hawaiian
Affairs and Transportation,
International and
Intergovernmental Affairs,


J. KALANI ENGLISH, Chair


CLAYTON HEE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii


Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 2915</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">WTL/TIA, JGO</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/8/10</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
TOKUDA, Jill N. (VC)				✓
BUNDA, Robert	✓			
FUKUNAGA, Carol				✓
KOKUBUN, Russell S.				✓
TAKAMINE, Dwight Y.	✓			
HEMMINGS, Fred	✓			
TOTAL	4	0	0	3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;"> </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2915	WTL/TIA, JGO	2-8-10
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
ENGLISH, J. Kalani (C)	✓	
GABBARD, Mike (VC)	✓	
ESPERO, Will		
NISHIHARA, Clarence K.	✓	
SLOM, Sam	✓	
TOTAL	4	—
Recommendation:		
<input checked="" type="checkbox"/> Adopted		
<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:	Original	Yellow
File with Committee Report	Clerk's Office	Pink
	Drafting Agency	Goldenrod
	Committee File Copy	

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