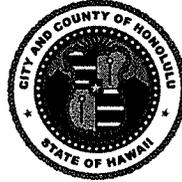


DEPARTMENT OF PLANNING AND PERMITTING
KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041 • WEBSITE: honolulu.gov/dpp

RICK BLANGIARDI
MAYOR
MEJA



DAWN TAKEUCHI APUNA
DIRECTOR
PO'O

JIRO A. SUMADA
DEPUTY DIRECTOR
HOPE PO'O

March 14, 2024

The Honorable Luke A. Evslin, Chair
and Members of the Committee on Housing
The Honorable Linda Ichiyama, Chair
and Members of the Committee on Water & Land
Hawaii'i House of Representatives
Hawaii'i State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Subject: Senate Bill 2018
Relating to Housing

Dear Chairs Evslin, Ichiyama and Committee Members:

The Department of Planning and Permitting (DPP) **opposes** Senate Bill No. 2018, which prohibits a county from changing the land use designation or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan or specific land use designation and zoning ordinances. The Bill allows a county to change a land use designation or zoning ordinance to a less intensive use if the county concurrently enacts measures to ensure that there is no net loss in residential capacity.

We support legislation aimed at increasing the supply of housing if the potential outcome aligns with a county's established policies to direct growth and create livable communities for our residents in a manner that prioritizes public health and safety. We do not believe, however, that denying counties the power to designate properties for less intensive use is the solution, especially in the face of sea level rise and hazards from climate change, including wildfires. Implementing this Bill may put public health and safety at risk and would be detrimental to the long-term well-being of our residents and communities.

This Bill oversteps county homerule responsibilities, and would override county plans and regulations. It goes against the O'ahu General Plan (GP), specifically the objective and related policies pertaining to public safety and community resilience. The

The Honorable Luke A. Evslin, Chair
and Members of the Committee on Housing
The Honorable Linda Ichiyama, Chair
and Members of the Committee on Water & Land
Hawai'i House of Representatives
Senate Bill No. 2018
March 14, 2024
Page 2

GP calls for protecting residents and visitors and their property against natural disasters and other emergencies, traffic and fire hazards, and unsafe conditions. This includes creating resilient, disaster-ready communities that are prepared for disasters and environmental stressors, including those driven by climate change. In addition, updates to the City's long-range development and sustainable communities plans have specific goals and policies related to community resilience, disaster preparedness, and adapting regulations to address climate change and coastal hazards.

The GP also contains objectives and policies relating to the physical environment of O'ahu, and ensuring that all new developments are timely, well-designed, and appropriate for the areas in which they will be located. The GP contains policies that require developments to be compatible with the surrounding community, and seeks to protect residents' quality of life and to maintain the integrity of neighborhoods by strengthening regulatory and enforcement strategies. It is under this purview that the City passed an ordinance (Ord. 20-43), which limits the floor area ratio (FAR), number of bathrooms and wet bars for large detached dwellings, otherwise known as "monster homes." This would meet the definition of "less intensive use" under this Bill, and would render the City's ability to pass legislation to address such concerns that have overwhelmed communities.

The City's plans and regulations need to respond to the continuously evolving science on sea level rise and climate change. Over the long-term, we must plan for area-wide adaptation that includes identifying priority growth areas outside of high impact areas, and considering transfer of development rights and managed retreat solutions. All of this requires the City to have the tools to respond, including the ability to amend its regulations and downzone properties if necessary for public health and safety. Accordingly, we ask that Senate Bill No. 2018 not move forward.

Thank you for the opportunity to testify.

Very truly yours,



Dawn Takeuchi Apuna
Director

March 14, 2024, 9:30 a.m.
Hawaii State Capitol
Conference Room 430 and Videoconference

To: House Committee on Housing

Rep. Luke A. Evslin, Chair

Rep. Micah P.K. Aiu, Vice-Chair

House Committee on Water & Land

Rep. Linda Ichiyama, Chair

Rep. Mahina Poepoe, Vice-Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: SB2018 — RELATING TO HOUSING

Aloha Chairs, Vice-Chairs and Committee Members,

The Grassroot Institute of Hawaii would like to offer its support for [SB2018](#), which would prohibit the counties from reducing the allowable density of a parcel or zoning district unless the county also enacts measures to ensure there is no net loss in allowable residential density throughout the county.

Basically, SB2018 would prevent counties from exacerbating the housing crisis. When a county changes a zoning ordinance to reduce the amount of housing that is allowed in a certain zone, it reduces the potential housing supply.

These sorts of “downzonings” have occurred in the past. For example, in 1973, Honolulu lowered the density of a parcel zoned for apartment use and the owner sued in response.¹

¹ David Callies, “[Land Use: Herein of Vested Rights, Plans, and the Relationship of Planning and Controls](#),” University of Hawai’i Law Review, 1979, pp. 171-172.

More recently, some iterations of Honolulu’s land-use reform bill included downzoning provisions. One draft would have limited the lot area of farm dwellings beyond the current limitations in the city code.²

That particular draft of Honolulu’s land-use reform bill would likely have qualified under the balanced approach of SB2018, as it included several amendments to increase the housing stock. However, a state law would ensure that the housing supply is protected from future downzoning.

SB2018 would not strip the counties of the power to downzone entirely. But it would maintain a balance by allowing them to downzone a parcel or a zoning classification only if they upzone another area of land so as to retain or increase the total allowable housing in the county.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

² See [Bill 10 \(2022\), CD1](#), p. 21; Revised Ordinances of Honolulu, [§ 21-5.250 Farm dwellings.](#), accessed Jan. 20, 2024.



Hawaii's Thousand Friends

335 Hahani Street #342132 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail: htf3000@gmail.com

March 14, 2024

COMMITTEE ON HOUSING

Rep. Luke a. Evslin, Chair
Rep. Micah P.K. Aiu, Vice Chair
Committee Members

COMMITTEE ON WATER & LAND

Rep. Linda Ichiyama, Chair
Rep. Mahina Poepoe, Vice Chair
Committee Members

SB 2018 RELATING TO HOUSING

Hawaii's Thousand Friends, a statewide non-profit water and land use planning organization dedicated to protecting the environment, human health, and cultural and natural resources opposes SB 2018 which prohibits a county from changing the land use designation or zoning of a parcel or parcels of property to a less intensive use.

HRS 46-1.5 assures each county the *power to enact ordinances deemed necessary to protect health, life, and property, and to preserve the order and security of the county and its inhabitants.*

This bill oversteps home rule by taking away each counties power to plan its own future by taking away the counties ability to amend regulations and change zoning when necessary to protect public health and safety.

The bill oversimplifies and complicates the actual process of land use regulation, e.g., coastal areas damaged by tsunami, sea level rise, increase in flood prone areas due to global warming, or needs to increase food sustainability.

The bill does not recognize that densities can be increased at any time that county planning sees a need for additional housing land and does nothing to reduce the cost of housing; only provides for market rate housing.

SB 2018 Ignores the fact that a few modifications to individual parcels may have little effect on the existing 80,000-unit supply of residentially zoned land on Oahu.

For the above reasons we request that SB 2018 be held in committee.



'AINA HAINA COMMUNITY ASSOCIATION

c/o 'Aina Haina Library, 5246 Kalaniana'ole Highway, Honolulu, HI 96821
ainahainaassoc@gmail.com; www.ainahaina.org

Jeanne Ohta, President • Melia Lane-Kamahele, Vice-President • Art Mori, Treasurer • Kathy Takemoto, Secretary • Directors At Large: Jeff Carlson, Wayson Chow, Meymo Rego, Marie Riley

March 14, 2024

TO: Representative Luke Evslin, Chair
Representative Micah Aiu, Vice Chair and
Members of the Committee on Housing

TO: Representative Linda Ichiyama, Chair
Representative Mahina Poepoe, Vice Chair and
Members of the Committee on Water and Land

From: Jeanne Y. Ohta, President

RE: SB 2018 Relating to Housing

POSITION: OPPOSED

The Board of Directors of the 'Aina Haina Community Association write in opposition to SB 2018 Relating to Housing which would prohibit counties from changing land use designation or zoning of parcel or parcels to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan or specific land use designation and zoning ordinances in effect on January 1, 2024 and requires the counties to enact measures to ensure that there is no net loss in residential capacity if a less intensive use is allowed.

Our opposition to this measure is based on our experience where we live: Wailupe Valley. In 2021, Mayor Blangiardi signed Ordinance 21-5 which rezoned 9.5 acres in the back of the valley from R-7.5 Residential to P-2 General Preservation District. This parcel was added to the 85-acre Wailupe Nature Preserve at the back of the valley that AHCA and residents fought for 40 years to protect. In 2012, approximately 1,000 acres of mauka land were added to the Honolulu Watershed Forest Reserve.

The designated zoning was made by the city decades ago before we knew about slope and soil instability, rockfall dangers, and potential for flooding that are common in Oahu's valleys. City taxpayers paid compensation to homeowners when homes on Mona, Leighton, Ailuna, and Hema Streets slipped from their foundations. We know now that those areas should never have been zoned for residential use.

There were also other considerations in the change of zoning, the property maintains access to the Preserve, to ancient cultural sites and a well-established trail, to the habitat of critically endangered Oahu 'Elepaio bird, and is adjacent to the boulder basin of Wailupe Stream that is part of flood mitigation for Wailupe Stream.

Our understanding of this measure is that this “downgrading” would not be possible unless the City and County of Honolulu made up for the loss of housing. What this measure fails to consider is that although those parcels were zoned for residential use, they are unsafe for building homes.

This measure would make it difficult or impossible to make zoning changes for the safety of residents in the face of climate change, risk of wildfires and sea level rise. Although the bill mentions the General Plan, it does not mention the Sustainable Communities Plans which are more specific and written with the input of the communities as their vision for the future of their communities. The East Honolulu Sustainable Communities Plan (EHSCP) is new, it was adopted as Ordinance 21-11 (2021) and amended by Ordinance 22-20 (2022). This bill now upends the residents’ efforts on their EHSCP. For instance, the EHSCP calls to “avoid flood damage, slippage and other problems with development of steep slopes and sites with expansive soils.”¹

We respectfully request that the Committees vote to oppose the bill. Thank you for the opportunity to provide our testimony in opposition.

¹ East Honolulu Sustainable Communities Plan, page 1-3.

SB-2018

Submitted on: 3/12/2024 3:57:01 PM

Testimony for HSG on 3/14/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

Yes to prohibiting a county from changing the land use designation or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan or specific land use designation and zoning ordinances in effect on January 1, 2024. Allows a county to change a land use designation or zoning ordinance to a less intensive use if the county concurrently enacts measures to ensure that there is no net loss in residential capacity.

SB-2018

Submitted on: 3/13/2024 7:08:44 AM

Testimony for HSG on 3/14/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

SUPPORT ANY ASSISTANCE TO INCREASE HOUSING SUPPLY.

MAHALO!

SB-2018

Submitted on: 3/13/2024 11:10:09 AM

Testimony for HSG on 3/14/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Oppose	Written Testimony Only

Comments:

oppose