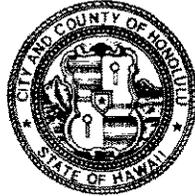


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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MAYOR



2009 MAR 16 P 1:5

CITY COUNCIL
HONOLULU, HAWAII

DAVID K. TANOUE
DIRECTOR

ROBERT M. SUMITOMO
DEPUTY DIRECTOR

March 13, 2009

The Honorable Gary Okino, Chair
and Members of the Transportation
and Planning Committee
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Okino and Councilmembers:

Subject: Bill 10 (2008) Proposed CD2

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CITY CLERK
HONOLULU, HAWAII

The department thanks the City Council for its careful deliberation on this bill, which establishes the City's land use regulatory scheme for Transit-Oriented Development (TOD).

Although we prefer our original bill over pending versions, we urge passage of TOD legislation so that the City's rail program can continue to move forward. Our continuing concern is the establishment of an unreasonable deadline for neighborhood planning. As we have stated, we cannot complete neighborhood TOD plans for all 21 stations, in less than a year. Despite the introductory paragraphs touting the importance of community-based planning and establishing an inclusive planning process, the impending deadline is not sending a positive message to communities, many of whom are concerned about transit's effect on land development. They need an opportunity to have a say in their future. If a deadline must be imposed, we can support the proposal by the AARP, that deadlines be staggered based on the completion dates of each transit station. Alternatively, if a single deadline must be imposed, perhaps it can be added later, once the City Council has seen the upcoming Waipahu Neighborhood TOD Plan, and the amount of work and community involvement that is required for a successful Plan and regulatory scheme.

Given the two (2) versions of CD2, we prefer the "Okino Version #2" for the following reasons:

1. Page 3, definition of "TOD Zone". We support the revision that the Zones shall include lands that are generally 2,000 feet of the transit station. Given this change, we see no need for the retention of the phrase, "... provided that for any such parcel, the entire parcel must be within one mile of the transit station." TOD zoning does not have to fully encompass any parcel, and this restriction appears premature and pre-emptive.

For your information, enclosed are recommended boundaries for Waipahu TOD. Only the colored properties would be included. Please note that the circles around the station represents ¼ mile (1,320 feet) and ½ mile (2,640 feet) the generally used criteria for TOD and transit influenced development, respectively. As you can see, the boundaries

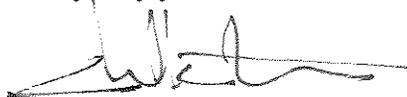
The Honorable Gary Okino, Chair
and Members of the Transportation
and Planning Committee
Honolulu City Council
March 13, 2009
Page 2

bare little resemblance to any radius distance from the station. They are quite "organic" in nature, as they respond to site-specific conditions.

2. Page 6, Process for TOD Zone ordinance. We appreciate provisions for extensions of time for the department to complete and process its proposed ordinance. However, we are concerned about the "automatic denial" if City Council takes no action after 45 days. It will be difficult to request an extension and anticipate a possible 45-day decision period within the 120 day overall deadline. We have no objection to the requirement that any time extension requested by the department be submitted prior to the applicable deadline and would prefer an automatic 30-day extension upon written notification to Council. Any further extension will require Council approval.
3. Page 6, TOD minimum requirements, (a). We support affordable housing, however, mandating it at every station location may be unrealistic. We are not sure that every station area will have an opportunity to provide it. For example, the Federal Aviation Agency restricts housing in areas under airport flight patterns, which will restrict residential development near the airport. Other areas may have other restrictions on housing development.
4. Page 7, TOD minimum requirements, (i). As a concept, we have no objections with financial incentives and would encourage it. However, the Land Use Ordinance is generally not the vehicle for such legislation.

Thank you for this opportunity to provide comments.

Very truly yours,



David K. Tanoue, Director
Department of Planning and Permitting

DKT:js

APPROVED:



Kirk W. Caldwell
Managing Director

Enclosure

cc: The Honorable Mufi Hannemann, Mayor

Waipahu Neighborhood TOD Plan

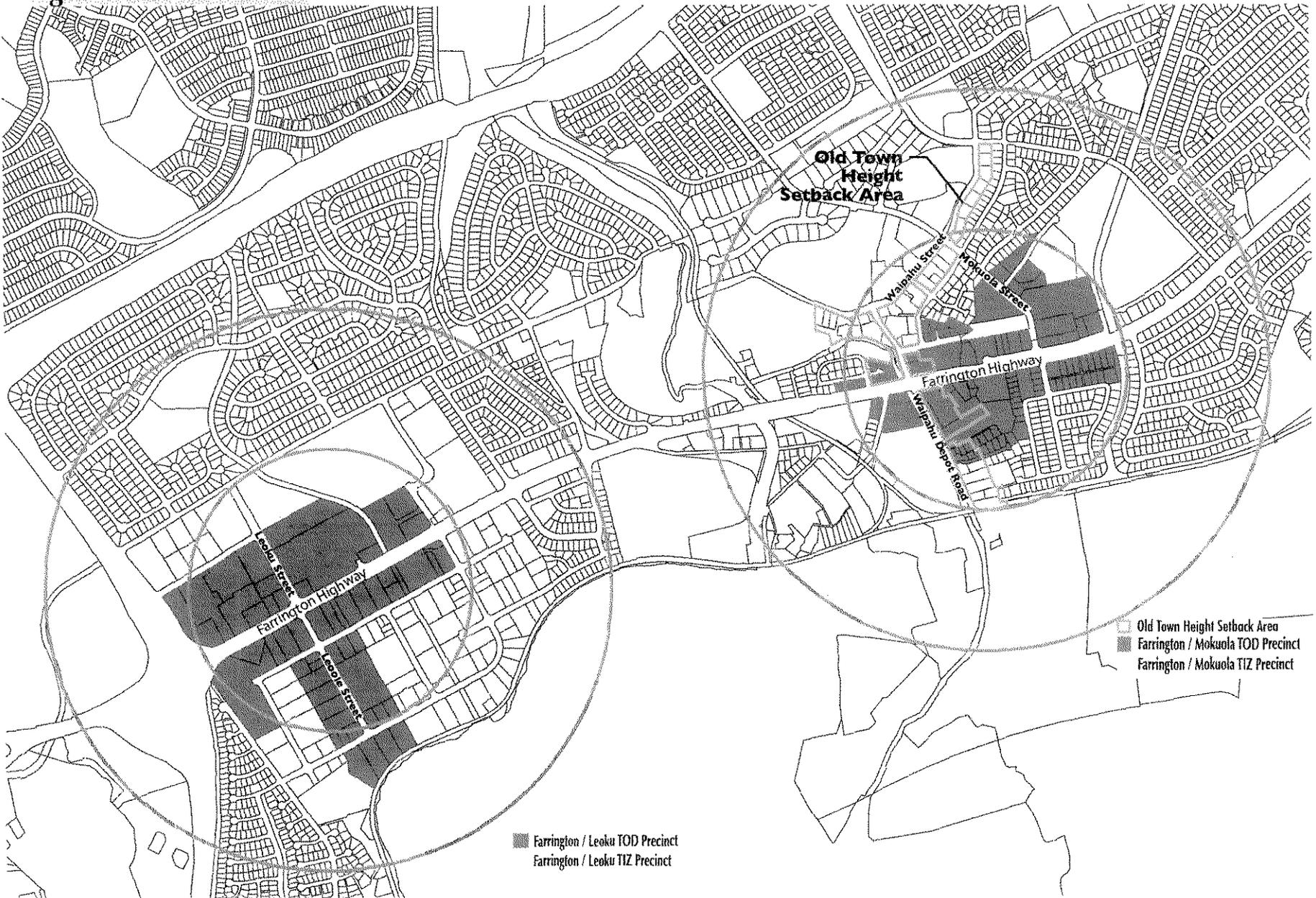


FIGURE 20 - TOD and TIZ Zoning Precincts

Waipahu Neighborhood TOD Plan

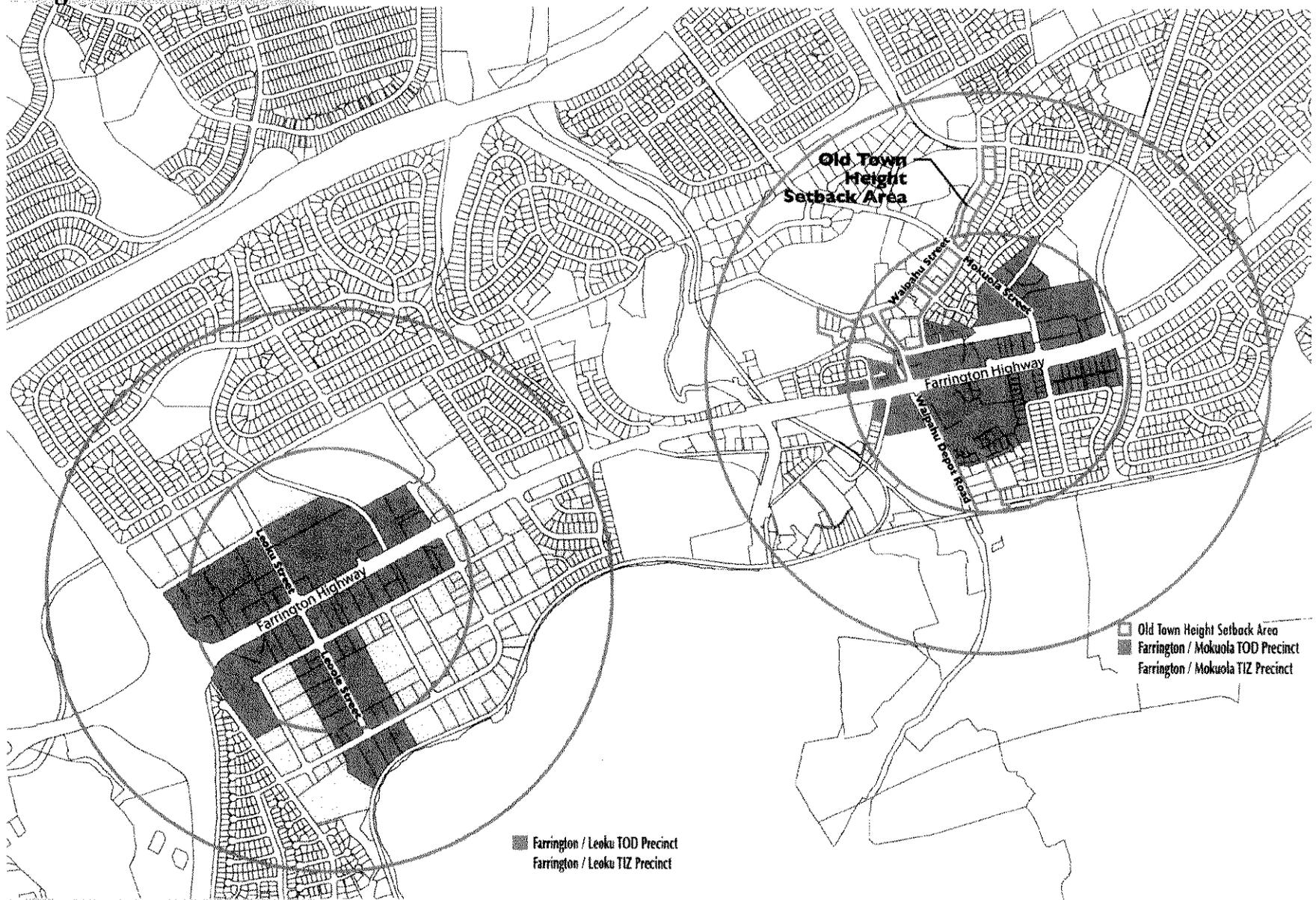


FIGURE 20 - TOD and TIZ Zoning Precincts