

BILL042(22)
Testimony

MISC. COMM. 337

ZONING AND PLANNING

ZONING AND PLANNING Meeting

Meeting Date: Aug 25, 2022 @ 09:00 AM

Support: 5

Oppose: 0

I wish to comment: 0

Name: Flora Obayashi	Email: of8@hawaii.edu	Zip: 96744
Representing: Self	Position: Support	Submitted: Aug 23, 2022 @ 11:20 AM
<p>Testimony:</p> <p>The Neighborhood Boards are an important check on inappropriate planning and development decisions of the Department of Planning and Permitting as it grants Special Management Area Permits (Major and Minor). Mistakes have been made as DPP decisions are made in a vacuum or the department has lost important documents and information which creates greater risk and liability to coastal areas. This bill will help protect against bad or inappropriate development decisions in the Special Management Areas.</p>		
Name: Kathleen Pahinui	Email: pahinuik001@hawaii.rr.com	Zip: 96791
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 08:48 AM
Name: Chip Fletcher	Email: fletcher@soest.hawaii.edu	Zip: 96734
Representing: Climate Resilience Collaborative	Position: Support	Submitted: Aug 24, 2022 @ 11:02 AM
Name: Terence Tang	Email: terence.tang@gmail.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 01:44 PM
<p>Testimony:</p> <p>I strongly support Councilmember Andria Tupola's proposed amendment to Bill 10 (2022), CD1: CC-237[2022], which reinstates ALL properties in Ko Olina Fairways and Ko Olina Hillside Villas as legal TVU units. It is reasonable and fair that all properties located with Ko Olina Resort be treated the same.</p>		
Name: Racquel Achiu	Email: rhachiu@gmail.com	Zip: 96791
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 11:12 PM
<p>Testimony:</p> <p>Aloha! I am in support of BILL 42 relating to the SMA permits. However, I respectfully ask that consideration be given to the possibility of eliminating the SMA MINOR permits in totality. Too frequently, applicants of SMA permits avoid complying with requirements of what should be an SMA MAJOR. Developers, both local and foreign/out of state, now submit applications in phases vs its entirety. As a result, the project/application valuations are not certified/verified, therefore easily misrepresented. Considering today's "developer environment" I strongly feel that having SMA's (and CUP's for that matter) warrant being placed under the review and requirements of MAJOR's. Smaller projects can have significant adverse impacts on a community as much as larger scale projects. I CANNOT EXPRESS ENOUGH HOW CRITICAL BILL 42 is in supporting the INTEGRITY & STEWARDSHIP of not just our processes but of our lands and communities. Not to mention, BILL 42 acts as a preventive measure to avoid serious negative impacts to our lands & communities. Additionally, these applications, REGARDLESS of MINOR OR MAJOR, must be required to have a public hearing (if not by the permitting agency, then by the neighborhood boards, community associations or any other appropriate advisory board/committee) in the communities that are directly impacted by the proposed project. Further, the appropriate permitting agency must require the applicant to present the proposed project (regardless of MINOR OR MAJOR) to the appropriate neighborhood boards, community associations etc so that a written summary may be submitted to the agency on behalf of the community with concerns, opposition or support of the project. There are far too many projects taking place without APPROPRIATE guidelines in place to PREVENT mis-use of lands and negative impacts to our communities. MAHALO!</p>		

Kathleen M. Pahinui
67-237 Kauai St
Waialua, HI 96791

August 24, 2022

Committee Chair Brandon Elefante
Honolulu Hale
530 S. King St
Honolulu, HI 96813

Re: Support and Comment on Bill 42 Sspecial Management Area Permit

Aloha Committee Chair Elefante and Committee Members:

I am writing in strong support of Bill 42 relating to the Special Management Area permit with the following comments / requests for amendments:

- One major change I would advocate is the removal of the SMA Minor version of this permit. It is open to abuse by developers who try and parcel their projects to come under the \$500,000 threshold.

Planners in our DPP are not experts in constructions costs and may be inclined to take the applicant's figures at face value. A case in point: we have a proposed project for the North Shore that has 3 café type restaurants and a distillery but have applied for and received an SMA minor. In today's building climate that is not possible. The septic system alone will cost near \$100,000 (I put one in my 7-unit condo for \$125,000 in 2005). And the plans did not include a grease trap which is mandatory for restaurants of any type. The numbers were verified for me by a waste management expert.

Unless we are willing to train our planners in cost estimations for projects and provide them with the proper tools, it is not fair to expect them to know these types of details and it is easy to take advantage of this loophole.

To prevent these abuses, please delete the SMA minor altogether or at minimum lower the monetary threshold to \$200,000 before the major kicks in.

- Section 25-5.1 Consultation: please clarify that a preliminary determination by the agency does not constitute final approval for whether an SMA is needed or not. Additional information may be provided by the applicant or others interested in the project that may ultimately indicate an SMA is needed by the applicant.

- Section 25-5.2 Special Management Area Minor Permit: SMA minor permits must have a public hearing in the affected community. This hearing does not have to be held by the agency but the agency must alert all appropriate Neighborhood Boards, community associations and neighbors to alert them to the SMA minor.

The agency must allow the Neighborhood Board(s) and / or community associations to have a presentation by the applicant and submit their concerns to the agency. This should be done within 45 days of the notice from the agency. If the Neighborhood Board(s) and / or community associations decide not to hear the applicant, their passing on a hearing must be stated in writing to the agency.

We want minor permits to be treated the same way as a major permit in notification to the community. Even small permits can have a large impact.

I cannot stress how important it is to ensure a fair and open process that does not allow applicants to game the system. We hope that the changes this committee is proposing along with other suggestions by the public, will ensure that fair and open process.

Mahalo for your time and consideration.

Mālama 'āina,

Kathleen M. Pahinui



Dr. Charles “Chip” Fletcher

Director of the Climate Resilience Collaborative

Interim Dean of the School of Ocean and Earth Science and Technology at the University of Hawai‘i at Mānoa

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August 25, 2022

Aloha, Chair Elefante and Vice Chair Kia‘āina,

I am writing to voice my **strong support of Bill 42 (2022)** which is being heard by your committee, the Honolulu City Council Committee on Zoning and Planning, on August 24, 2022. Bill 42 (2022) would update the Special Management Area on O‘ahu, codified at Revised Ordinances of Honolulu Chapter 25.

I am Director of the Climate Resilience Collaborative (CRC), a research program at the University of Hawai‘i at Mānoa, formerly called the Coastal Geology Group.¹ CRC is an affiliation of researchers, technicians, modelers, architects, attorneys, economists, planners, and undergraduate and graduate students spread across campus working on challenges related to climate change. Our work is focused on making all communities in Hawai‘i more resilient to impacts from climate change by maximizing the effectiveness of predictive climate science and advancing our ability to dynamically respond to climate change.

Every year human communities on our coastline grow increasingly vulnerable to the dangers of wave impacts, coastal erosion, high tide flooding, and storm surge, all of which are exacerbated by sea level rise. Sea level rise is an unstoppable reality and without major adjustments to coastal laws and policies, these dangers will increase - slowly at first, as at present, but by the 2030’s sea level rise impacts will increase exponentially. The 6th Assessment Report of the Intergovernmental Panel on Climate Change states with high confidence that “[i]n the longer term, sea level is committed to rise for centuries to millennia due to continuing deep-ocean warming and ice-sheet melt and will remain elevated for thousands of years.”² Over the next 2000 years, global mean sea level will rise by about 6.5 to 10 feet if warming is limited to 1.5°C, 6.5 to 20 ft if limited to 2°C and 62 to 72 ft with 5°C of warming, and it will continue to rise over subsequent millennia. There is nothing we can do to stop sea level rise. Communities need to understand the problem and governments must develop adaptation policies to adjust to and prepare for the new reality.

¹ CRC, formerly known as the Coastal Geology Group, is referenced in the definition of “Hawaii Shoreline Study” and “Hawaii Shoreline Study web map” in this bill. I am also the Interim Dean of the School of Ocean and Earth Science and Technology at the University of Hawai‘i at Mānoa. I have been a research scientist specializing in coastal processes and beach response to sea level rise for over four decades. In that time, I have published over one hundred peer-reviewed articles and three textbooks on these topics. Further, I have been a key advisor in over 30 master and PhD studies of shoreline processes in Hawai‘i.

² AR6 WGI SPM p.21 B.5.4.

I support Bill 42 (2022) because rising sea levels will shift the ocean and estuarine shoreline landward. It will inundate coastal areas, displacing wetlands and altering tidal ranges on the shoreline and in streams and bays. Predictably, coastal erosion, hurricane storm surge, king tide flooding, and compound flooding caused by combinations of rain and high tides will all increase in frequency and severity. This will be accompanied by increases in stormwater runoff, erosion and sedimentation in waterways and nearshore reef and recreational environments.

While I think it is worthwhile to preserve these ecosystems for their own sake, they also provide a suite of services including providing a natural buffer from flooding because the effects of sea level rise will not be limited solely to the shoreline. CRC's research has documented that groundwater tables are hydrologically connected to the ocean.³ Thus, the rising sea level will also have the effect of raising inland groundwater tables, leading to inland flooding - essentially creating new wetlands in urban areas. Connecting the Special Management Area regulation to the Sea Level Rise Exposure Area gives insight into how particular proposed projects will be affected by the impacts of sea level rise, and thus how new types of community design and development can reduce such risk. This bill reinforces the tenets of building in a way that is resilient to the rapidly growing threats posed by climate change.

I support Bill 42 (2022) because it will update Revised Ordinances of Honolulu Chapter 25 to conform to the amendments made to the Hawai'i Coastal Zone Management Act made by the State Legislature in 2020. Overall, Bill 42 (2022) will have the effect of increasing the resilience of Honolulu's coastal communities to the impacts and hazards caused and exacerbated by sea level rise.

I sincerely appreciate this Committee's time and effort to consider and hear this measure. Please feel free to contact me if you have any questions about the substance of my testimony.

Respectfully,

C. Fletcher

Charles Fletcher

³ Habel, S., Fletcher, C., Anderson, T., & Thompson, P. 2020. Sea-Level Rise Induced Multi-Mechanism Flooding and Contribution to Urban Infrastructure Failure. Nature Scientific Reports, 10: 3796 DOI:10.1038/s41598-020-60762-4