

JAN 17 2014

A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature established the Hawaii
2 community development authority in 1976 as a public entity to
3 plan new and innovative forms of urban redevelopment and renewal
4 to meet certain community needs, especially the provision of low
5 and moderate income housing located in residential and mixed-use
6 areas with sufficient public facilities and services. To ensure
7 that comprehensive and coordinated development plans were
8 executed by and for the community, the authority was explicitly
9 required to engage affected communities in area development
10 plans and projects. However the legislature finds that in the
11 over thirty-seven years since its creation, the authority has
12 not fulfilled the policies and purposes set out for it by the
13 legislature. Development projects that do not comply either
14 with legislative goals or the applicable development plans
15 established for community development districts have been
16 permitted, sometimes on an accelerated basis. The approval
17 processes for proposed projects also lack both accountability
18 and transparency to the detriment of the communities affected.



1 The legislature finds that, in accord with the intent of
2 the legislature in establishing the Hawaii community development
3 authority, community development plans should be implemented in
4 recognition of existing uses and according to minimum
5 requirements for good planning and design to preserve public
6 health and safety, ensure access to sufficient public services,
7 and avoid unintended effects on public resources and the human
8 environment. Community development plans are intended to be
9 adopted in consideration of community engagement and, once
10 adopted, are intended to be strictly followed, particularly in
11 regards to density, infrastructure, and affordable housing
12 requirements.

13 The legislature finds that renewal and redevelopment of
14 residential areas provide stability to existing neighborhoods
15 and encourage compatible land uses that promote the unique
16 character of Hawaii, including through renovation and
17 restoration of existing historical neighborhoods and structures
18 that might otherwise deteriorate. Innovative planning and
19 creative development strategies ensure that urban redevelopment
20 fulfils the intent of the legislature in creating the authority;
21 meets community needs; and accommodates resident, commercial,



1 and visitor needs including for sanitation, schools, hospitals
2 and emergency services, and parks and open space.

3 The legislature also finds that support for multiple modes
4 of transportation and circulation patterns that are consistent
5 with the needs of residents, businesses, and visitors will make
6 redeveloped urban areas more accessible and attractive because
7 of the efficient flow of pedestrian, bicycle, and vehicular
8 traffic within the area. Building design, architectural
9 elements, and landscape elements can be used to facilitate
10 pedestrian and other non-vehicular traffic that complements
11 Hawaii's tropical climate while acknowledging the urban setting.

12 Finally, the legislature finds that urban redevelopment
13 should provide adequate, functional, and accessible view planes,
14 historic and cultural resources, and parks and open spaces
15 containing generous landscaping to offset high density.

16 The purpose of this Act is to specify mandatory, statewide
17 redevelopment policies and processes for urban areas to ensure
18 that redevelopment projects serve all of Hawaii's residents,
19 particularly by providing sufficient affordable housing and
20 needed community services while minimizing real estate
21 speculation.



1 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§206E- Contested case hearing; judicial review. Any
5 person adversely affected by an action or decision of the
6 authority may file a petition for a contested case hearing on
7 the authority's action or decision. Any contested case hearing
8 shall be held in accordance with chapter 91."

9 SECTION 3. Section 206E-5, Hawaii Revised Statutes, is
10 amended by amending subsection (f) to read as follows:

11 "(f) The authority [~~may~~] shall adopt and amend the
12 community development plan [~~as may be necessary. Amendments~~
13 ~~shall be made in accordance with chapter 91.~~] only as authorized
14 by the legislature."

15 SECTION 4. Section 206E-5.5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "~~[+]~~§206E-5.5~~[+]~~ Community engagement and public notice
18 requirements; informative and timely posting on the authority's
19 website; required. (a) The authority shall adopt community
20 engagement and public notice procedures pursuant to chapter 91
21 that shall include at a minimum:



- 1 (1) A means to effectively engage the community in which
2 the authority is planning a [~~development~~] project to
3 ensure that community concerns are received [~~and~~],
4 considered and incorporated into the plans for the
5 project by the authority[+] through working with
6 residents and landowners in the community in which a
7 project is proposed to be located to ensure that the
8 area plan and rules are followed and that proposed
9 projects do not adversely affect the community or its
10 residents or businesses;
- 11 (2) The posting of the authority's proposed plans for
12 development of community development districts,
13 including plans for redevelopment projects, which
14 shall include details of any proposed projects as well
15 as public hearing notices[-] and minutes of its
16 proceedings on the authority's website; provided that
17 the authority shall mail copies of all documents
18 required by this paragraph to property owners and
19 residents of the affected community upon request; and
- 20 (3) Any other information that the public may [~~find~~
21 ~~useful~~] request so that it may meaningfully



1 participate in the authority's decision-making
2 processes.

3 (b) [The] Upon receipt of any new development proposal,
4 the authority shall notify the president of the senate [and],
5 speaker of the house[+], and all members of the legislature and
6 the appropriate city or county council members who represent the
7 district in which the proposed project is to be located and
8 shall transmit to them:

9 (1) A copy of the project proposal and application;

10 (2) A copy of the proposed project's environmental
11 assessment or environmental impact statement, which
12 may be provided electronically in portable document
13 format form;

14 (3) The recommendations of the authority's executive
15 director regarding the proposed project;

16 (4) [+1] Of] Notice of any public hearing upon posting of
17 the hearing notice; and

18 [+2] ~~With a]~~ (5) At least two weeks prior to a decision-
19 making hearing on the proposed project, a report
20 detailing the public's [reaction at the public
21 hearing, within one week after the hearing.] comments
22 on the proposed project and the authority's response



1 to any concerns raised about the proposed project at a
2 public hearing on the proposed project or in written
3 testimony submitted within one week after the public
4 hearing."

5 SECTION 5. Section 206E-5.6, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**[+]§206E-5.6[+] Public hearing for decision-making;**
8 **separate hearing required.** (a) When rendering a decision
9 regarding:

10 (1) An amendment to any of the authority's community
11 development rules established pursuant to chapter 91
12 and section 206E-7; or

13 (2) The acceptance of a developer's proposal to develop
14 lands under the authority's control,
15 the authority shall render its decision at a public hearing
16 separate from the hearing that the proposal under paragraph (1)
17 or (2) was presented.

18 (b) The authority shall issue a public notice in
19 accordance with section 1-28.5 and post the notice on its
20 website; provided that the decision-making hearing shall not
21 occur earlier than five business days after the notice is
22 posted. Prior to rendering a decision, the authority shall



1 ~~[provide the general public with the opportunity to testify]~~
2 take additional public testimony at its decision-making hearing.

3 (c) The authority shall notify the president of the senate
4 [and], speaker of the house[+], and all members of the
5 legislature and the appropriate city or county council member
6 who represents the district in which the proposed project is to
7 be located:

8 (1) Of any public hearing upon posting of the hearing
9 notice; and

10 (2) With a report ~~[detailing the public's reaction at the~~
11 ~~public hearing, within one week after the hearing.]~~
12 that conforms to the requirements of section 206E-
13 5.5(b)(5).

14 (d) The authority shall give serious consideration to and
15 shall respond orally to all concerns raised by the public at the
16 decision-making hearing before the authority makes a decision.
17 If suggested modifications raised prior to the decision-making
18 hearing by community members impacted by a proposed project are
19 not incorporated into the authority's decision to approve the
20 project, the authority shall explain in detail, both in writing
21 and orally, the reasons why those modifications have not been
22 incorporated before issuing a decision to approve the project."



1 SECTION 6. Section 206E-33, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§206E-33 Kakaako community development district;**
4 **development guidance policies.** The following shall be the
5 development guidance policies generally governing the
6 authority's action in the Kakaako community development
7 district:

8 (1) Development shall result in a community which permits
9 an appropriate land mixture of residential,
10 commercial, industrial, and other uses. In view of
11 the innovative nature of the mixed use approach, urban
12 design policies should be established to provide
13 guidelines for the public and private sectors in the
14 proper development of this district; while the
15 authority's development responsibilities apply only to
16 the area within the district, the authority may engage
17 in any studies or coordinative activities permitted in
18 this chapter which affect areas lying outside the
19 district, where the authority in its discretion
20 decides that those activities are necessary to
21 implement the intent of this chapter. The studies or
22 coordinative activities shall be limited to facility



1 systems, resident and industrial relocation, and other
2 activities with the counties and appropriate state
3 agencies. The authority may engage in construction
4 activities outside of the district; provided that such
5 construction relates to infrastructure development or
6 residential or business relocation activities;
7 provided further, notwithstanding section 206E-7, that
8 such construction shall comply with the general plan,
9 development plan, ordinances, and rules of the county
10 in which the district is located;

11 (2) Existing and future industrial uses shall be permitted
12 and encouraged in appropriate locations within the
13 district. No plan or implementation strategy shall
14 prevent continued activity or redevelopment of
15 industrial and commercial uses which meet reasonable
16 performance standards;

17 (3) Activities shall be located so as to provide primary
18 reliance on public transportation and pedestrian
19 facilities for internal circulation within the
20 district or designated subareas;

21 (4) Major view planes, view corridors, and other
22 environmental elements such as natural light and



1 prevailing winds, shall be preserved through necessary
2 regulation and design review;

3 (5) Redevelopment of the district shall be compatible with
4 plans and special districts established for the Hawaii
5 Capital District, and other areas surrounding the
6 Kakaako district;

7 (6) Historic sites and culturally significant facilities,
8 settings, or locations shall be preserved;

9 (7) Land use activities within the district, where
10 compatible, shall to the greatest possible extent be
11 mixed horizontally, that is, within blocks or other
12 land areas, and vertically, as integral units of
13 multi-purpose structures;

14 (8) Residential development [~~may~~] shall require a mixture
15 of densities[~~7~~] not to exceed a maximum of 3.5 floor
16 area ratio, building types, building heights not to
17 exceed four hundred feet, and configurations in
18 accordance with appropriate urban design guidelines;
19 integration both vertically and horizontally of
20 residents of varying incomes, ages, and family groups;
21 and an increased supply of housing for residents of
22 low- or moderate-income may be required as a condition



1 of redevelopment in residential use. Residential
2 development shall provide necessary and adequate
3 community facilities~~[7]~~ and services, such as schools,
4 open space, parks, community meeting places, child
5 care centers, and other services, within and adjacent
6 to residential development;

7 (9) Public facilities within the district shall be
8 planned, located, and developed so as to support the
9 redevelopment policies for the district established by
10 this chapter and plans and rules adopted pursuant to
11 it~~[7]~~;

12 (10) Before approving development projects, the authority
13 shall require comprehensive studies of and plans for
14 the capacity of the sewers, roads, water, utilities,
15 emergency services, schools, parks, and other
16 infrastructure requirements to ensure that the
17 infrastructure meets the needs generated by the
18 additional number of anticipated residents and, where
19 improvements are needed, the authority shall impose
20 the necessary impact fees upon the developer."

21 SECTION 7. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 8. This Act shall take effect upon its approval.

2

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'B. R.', written over a horizontal line.

B.R.



S.B. NO. 2697

Report Title:

Hawaii Community Development Authority; Redevelopment

Description:

Amends procedures of the HCDA to require additional public notice and public input for development projects and rule changes. Establishes additional requirements for development projects before HCDA approval can be granted. Creates appeal process for HCDA actions and decisions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

