

JAN 25 2023

A BILL FOR AN ACT

RELATING TO CLIMATE CHANGE.

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

1 SECTION 1. The legislature finds that climate change and
2 sea level rise pose significant, dangerous, and imminent threats
3 to the State's social and economic well-being, public safety,
4 nature and environment, cultural resources, property,
5 infrastructure, and government functions and will likely have a
6 disproportionate impact on low-income and otherwise vulnerable
7 communities. A 2017 report by the National Oceanic and
8 Atmospheric Administration projected that 3.2 feet of global
9 mean sea level rise will occur by 2100 in an intermediate
10 scenario and could occur as early as the 2060s in an extreme
11 scenario.

12 The climate change adaptation priority guidelines of the
13 Hawaii State Planning Act, codified under chapter 226, Hawaii
14 Revised Statutes, direct the State to prepare for the impacts of
15 climate change. Additionally, section 226-109(8), Hawaii
16 Revised Statutes, fosters cross-jurisdictional collaboration
17 between county, state, and federal agencies and partnerships



1 between government and private entities and other
2 nongovernmental entities, including nonprofit entities, to
3 address climate change. Also, section 225M-2(b)(9), Hawaii
4 Revised Statutes, requires the office of planning and
5 sustainable development to work with state agencies to identify
6 existing and planned facilities, including critical
7 infrastructure, that are vulnerable to sea level rise, flooding
8 impacts, and natural hazards, utilizing projections and map data
9 from the most recent update of the Hawaii sea level rise
10 vulnerability and adaptation report, the state hazard mitigation
11 plan, and other pertinent data and scientific reports to aid in
12 this planning.

13 The legislature recognizes that the Hawaii community
14 development authority plans, coordinates, and implements new
15 infrastructure and development projects in the Kaka'ako and
16 Kalaeloa community development districts on Oahu. Additionally,
17 the Kaka'ako community development district will be threatened by
18 the effects of climate change, including sea level rise, king
19 tides, and heavy rainfall, and the lack of drainage
20 infrastructure in the Kalaeloa community development district
21 makes it vulnerable to heavy rainfall and other effects of



1 climate change. As such, the legislature further finds that it
2 is in the State's long-term interest and would serve the highest
3 needs and aspirations of Hawaii's people to ensure that
4 development in the Kaka'ako and Kalaeloa community development
5 districts accounts and plans for the impacts of climate change.

6 Furthermore, it is in the long-term interest of the State
7 to also consider climate resiliency in the development of these
8 communities, which considers strategies to reduce the
9 vulnerability from climate-related shocks, such as hurricanes
10 and drought, and improves the ability to recover from these
11 disasters.

12 The purpose of this Act is to require the Hawaii community
13 development authority to consider the impacts of climate change,
14 sea level rise, and climate resilient development in the design
15 and siting of buildings in the Kaka'ako and Kalaeloa community
16 development districts.

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

19 **"§206E-33 Kakaako community development district;**
20 **development guidance policies.** The following shall be the
21 development guidance policies generally governing the



1 authority's action in the Kakaako community development
2 district:

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



1 construction relates to infrastructure development or
2 residential or business relocation activities;
3 provided further, notwithstanding section 206E-7, that
4 such construction shall comply with the general plan,
5 development plan, ordinances, and rules of the county
6 in which the district is located;

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

13 (3) Activities shall be located so as to provide primary
14 reliance on public transportation and pedestrian
15 facilities for internal circulation within the
16 district or designated subareas;

17 (4) Major view planes, view corridors, and other
18 environmental elements such as natural light and
19 prevailing winds, shall be preserved through necessary
20 regulation and design review; provided that no portion



1 of any building or structure in the Kakaako Mauka area
2 shall exceed four hundred eighteen feet in height;

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 require a mixture of
15 densities, building types, and configurations in
16 accordance with appropriate urban design guidelines;
17 integration both vertically and horizontally of
18 residents of varying incomes, ages, and family groups;
19 and an increased supply of housing for residents of
20 low- or moderate-income may be required as a condition
21 of redevelopment in residential use. Residential



1 development shall provide necessary community
 2 facilities, such as open space, parks, community
 3 meeting places, child care centers, and other
 4 services, within and adjacent to residential
 5 development; ~~and~~

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

11 (10) Development shall consider the impacts of climate
 12 change, sea level rise, and climate resilient
 13 development in the design and siting of buildings."

14 SECTION 3. Section 206E-194, Hawaii Revised Statutes, is
 15 amended to read as follows:

16 "[+]§206E-194[+] **Kalaeloa community development district;**
 17 **development guidance policies.** The following development
 18 guidance policies shall generally govern the authority's actions
 19 in the Kalaeloa community development district:

20 (1) Development shall be in accordance with the community
 21 reuse plan, except as it conflicts with the Hawaii



1 State Constitution and the Hawaii Revised Statutes, as
2 they relate to the department of Hawaiian home lands;
3 (2) With the approval of the governor and concurrence of
4 the Navy, and in accordance with state law governing
5 lands owned by the department of Hawaiian home lands,
6 the authority, upon the concurrence of a majority of
7 its voting members, may modify and make changes to the
8 reuse plan to respond to changing conditions; provided
9 that prior to amending the reuse plan the authority
10 shall conduct a public hearing to inform the public of
11 the proposed changes and receive public input;
12 (3) Development shall seek to promote economic development
13 and employment opportunities by fostering diverse land
14 uses and encouraging private sector investments that
15 utilize the opportunities presented by the receipt of
16 property from the base closure consistent with the
17 needs of the public;
18 (4) The authority may engage in planning, design, and
19 construction activities within and outside of the
20 district; provided that activities outside of the
21 district shall relate to infrastructure development,



1 area-wide drainage improvements, roadways realignments
2 and improvements, business and industrial relocation,
3 and other activities the authority deems necessary to
4 carry out redevelopment of the district and implement
5 this chapter. Studies or coordinating activities may
6 be undertaken by the authority in conjunction with the
7 county and appropriate state agencies and may address
8 facility systems, industrial relocation, and other
9 activities;

10 (5) Planning, replanning, rehabilitation, development,
11 redevelopment, and other preparation for reuse of
12 Barbers Point Naval Air Station under this chapter are
13 public uses and purposes for which public money may be
14 spent and private property acquired;

15 (6) Hawaiian archaeological, historic, and cultural sites
16 shall be preserved and protected. Endangered species
17 of flora and fauna and significant military facilities
18 shall be preserved to the extent feasible;

19 (7) Land use and redevelopment activities within the
20 district shall be coordinated with and to the extent
21 possible complement existing county and state



1 policies, plans, and programs affecting the district;

2 [~~and~~]

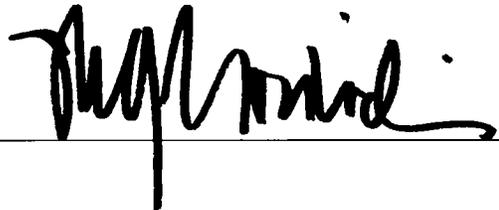
3 (8) Public facilities within the district shall be
4 planned, located, and developed to support the
5 redevelopment policies established by this chapter for
6 the district, the reuse plan approved by the governor,
7 and rules adopted pursuant to this chapter~~[-]~~; and

8 (9) Development shall consider the impacts of climate
9 change, sea level rise, and climate resilient
10 development in the design and siting of buildings."

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

14

INTRODUCED BY: 



S.B. NO. 1417

Report Title:

Climate Change; Sea Level Rise; Climate Resilient Development;
Hawaii Community Development Authority; Kakaako; Kalaeloa;
Guidance

Description:

Requires the Hawaii community development authority to consider the impacts of climate change, sea level rise, and climate resilience development in the design and siting of buildings in the Kaka'ako and Kalaeloa community development districts.

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

