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# 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[~~-~~];

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; and

14 (11) Development shall implement design standards for new  
15 construction that require the lowest finished floor to  
16 elevate a minimum of two feet above the flood  
17 insurance rate map base flood elevation or 5.8 feet  
18 above mean higher high water, whichever is higher,  
19 based on the latest guidance from the climate change  
20 commission of the city and county of Honolulu."



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

3 " [†] §206E-194 [†] Kalaeloa community development district;  
4 development guidance policies. The following development  
5 guidance policies shall generally govern the authority's actions  
6 in the Kalaeloa community development district:

7 (1) Development shall be in accordance with the community  
8 reuse plan, except as it conflicts with the Hawaii  
9 State Constitution and the Hawaii Revised Statutes, as  
10 they relate to the department of Hawaiian home lands;

11 (2) With the approval of the governor and concurrence of  
12 the Navy, and in accordance with state law governing  
13 lands owned by the department of Hawaiian home lands,  
14 the authority, upon the concurrence of a majority of  
15 its voting members, may modify and make changes to the  
16 reuse plan to respond to changing conditions; provided  
17 that prior to amending the reuse plan the authority  
18 shall conduct a public hearing to inform the public of  
19 the proposed changes and receive public input;

20 (3) Development shall seek to promote economic development  
21 and employment opportunities by fostering diverse land



1 uses and encouraging private sector investments that  
2 utilize the opportunities presented by the receipt of  
3 property from the base closure consistent with the  
4 needs of the public;

5 (4) The authority may engage in planning, design, and  
6 construction activities within and outside of the  
7 district; provided that activities outside of the  
8 district shall relate to infrastructure development,  
9 area-wide drainage improvements, roadways realignments  
10 and improvements, business and industrial relocation,  
11 and other activities the authority deems necessary to  
12 carry out redevelopment of the district and implement  
13 this chapter. Studies or coordinating activities may  
14 be undertaken by the authority in conjunction with the  
15 county and appropriate state agencies and may address  
16 facility systems, industrial relocation, and other  
17 activities;

18 (5) Planning, replanning, rehabilitation, development,  
19 redevelopment, and other preparation for reuse of  
20 Barbers Point Naval Air Station under this chapter are



- 1 public uses and purposes for which public money may be  
2 spent and private property acquired;
- 3 (6) Hawaiian archaeological, historic, and cultural sites  
4 shall be preserved and protected. Endangered species  
5 of flora and fauna and significant military facilities  
6 shall be preserved to the extent feasible;
- 7 (7) Land use and redevelopment activities within the  
8 district shall be coordinated with and to the extent  
9 possible complement existing county and state  
10 policies, plans, and programs affecting the district;  
11 [~~and~~]
- 12 (8) Public facilities within the district shall be  
13 planned, located, and developed to support the  
14 redevelopment policies established by this chapter for  
15 the district, the reuse plan approved by the governor,  
16 and rules adopted pursuant to this chapter[-];
- 17 (9) Development shall consider the impacts of climate  
18 change, sea level rise, and climate resilient  
19 development in the design and siting of buildings; and
- 20 (10) Development shall implement design standards for new  
21 construction that require lowest finished floor to



1           elevate a minimum of two feet above the flood  
2           insurance rate map base flood elevation or 5.8 feet  
3           above mean higher high water, whichever is higher,  
4           based on the latest guidance from the climate change  
5           commission of the city and county of Honolulu."

6           SECTION 4. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

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



**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. (SD1)

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

