

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN of public hearings to be held by the Hawaii Community Development Authority (“HCDA” or “Authority”), a body corporate and a public instrumentality of the State of Hawaii, pursuant to the provisions of Chapter 15-23 (“Makai Area Rules”) and 15-219 (“Rules of Practice and Procedure”), Hawai‘i Administrative Rules (“HAR”), and Sections 1-28.5, 91-3, 92-41, and 206E-5.6, Hawai‘i Revised Statutes (“HRS”).

SUBJECT: Amendment and Compilation of Draft HAR Chapter 15-23,
Relating to the Kaka‘ako Makai Area Plan and Rules.

DATES: **November 1, 2023 (Presentation Hearing)**
9:45 a.m.

December 6, 2023 (Decision-Making Hearing)
9:00 a.m.

PLACE: **Public Hearings will be convened remotely via Zoom and in-person at the following location:**

HCDA Board Meeting Room
547 Queen Street, 2nd Floor
Honolulu, Hawai‘i 96813

Participate Remotely Via Zoom

To pre-register, please use the following link:

https://us06web.zoom.us/webinar/register/WN_sPuG9oUyT0qFsE9yKFvOkw

To participate remotely, please use the following link:

<https://us06web.zoom.us/j/84283285373>

Participate Via Phone

Dial: (669) 900 - 6833

Webinar ID: 842 8328 5373

Public Hearings will convene at the above-stated times, or soon thereafter, to reasonably allow those interested in providing oral testimony to be heard.

In the event that audiovisual communication cannot be maintained by all participating Board Members and quorum is lost, the public hearing will be automatically recessed for up to thirty (30) minutes, during which time, an attempt to restore audiovisual communication will be made. If the HCDA is able to reestablish audio communication only, the public hearing will be reconvened and continue. To participate via audio communication, please refer to the “Participate Via Phone” information above. If the HCDA is unable to reconvene the public hearing because neither audiovisual communication nor audio communication can be re-established within thirty (30) minutes, the public hearing will be automatically terminated, unless stated otherwise during the public hearing. If the connection cannot be restored within

30 minutes, the hearing will be reconvened on Thursday, November 2, 2023 for the Presentation Hearing and Thursday, December 7, 2023 for the Decision-Making Hearing at the same physical location and virtual Zoom webinar link as noticed.

SUMMARY OF PROPOSED AMENDMENTS

The proposed Kaka‘ako Makai Area Plan and Rule Amendments are available online at <https://dbedt.hawaii.gov/hcda/kakaako-makai-area-rule-amendments/>

Title 15, Chapter 23, HAR, The Kakaako Community Development District Rules for the Makai Area (“Makai Rules”) was enacted on November 3, 2005. In 2006, Act 317 amended HRS Section 206E-31.5 to prohibit the Authority from approving any plan or proposal for any residential development in the Makai area. The Authority subsequently formed the Kaka‘ako Community Planning Advisory Council and conducted an extensive planning and community outreach effort.

The resulting Kaka‘ako Makai Conceptual Master Plan was adopted by the Authority in 2011 as the guiding document for reviewing and approving any projects in state-owned lands in Kaka‘ako Makai. The Makai Rules, however, were never amended to reflect Act 317 or the Kaka‘ako Makai Conceptual Master Plan.

The proposed amendments to the Makai Plan and Rules incorporate the Makai Conceptual Master Plan and Act 317. Allowable land uses are updated to reflect the amendment to Section 206E 31.5, HRS, prohibiting the Authority from approving any plan or proposal for residential development, and are now called the “Makai Urban Zone” and “Waterfront Community Zone” to reflect the community’s desired character for these areas. Allowable building heights and massing, however, remain unchanged.

The proposed rules also simplify the presentation of allowable land uses. This should provide landowners with additional flexibility to propose new activities, and it is also consistent with the Kaka‘ako Mauka area.

The proposed rules also introduce new permit types that are consistent with the existing and proposed Kaka‘ako Mauka area rules, including rules clearance, renovation permit, improvement permit, temporary use permit, and zoning clearance. These new permit types will greatly streamline redevelopment and facilitate investment in existing properties in Kaka‘ako Makai. Language is also being added to bring zoning review processes in line with Kaka‘ako Mauka, including completeness reviews, approval periods, appeals, and historic preservation reviews.

Parking minimums are eliminated, to be in line with the City and County of Honolulu’s current parking policies. Unlike the planned revision of the Mauka Area rules, however, parking will continue to be excluded from Floor Area Ratio calculations.

Finally, language is also being added to reflect Act 221 (2023), which amends HRS Section 206E-33 to require the Authority to consider climate change, sea level rise, and climate-resilient development in the design and siting of buildings.

AVAILABILITY OF PROPOSED RULES

The proposed rules for this public hearing are available via the HCDA website at: <https://dbedt.hawaii.gov/hcda/kakaako-makai-area-rule-amendments/> or at the lieutenant governor's website: <https://ltgov.hawaii.gov/the-office/administrative-rules/proposed-changes/>.

A paper copy of the proposed plan and rules may be obtained at a nominal fee by contacting HCDA's office at (808) 594-0300 or dbedt.hcda.contact@hawaii.gov. The paper copies will cost ten cents per page, plus any mailing costs, if applicable.

INSTRUCTIONS FOR PUBLIC TESTIMONY

Oral Live Testimony

Persons who intend to present oral testimony are requested to sign up and/or notify HCDA staff prior to the beginning of each public hearing by submitting a request via email to: dbedt.hcda.contact@hawaii.gov or you may call HCDA's office at (808) 594-0300.

Pursuant to Article IV, Section 10 of the HCDA's Bylaws, oral, live testimony may be limited to three (3) minutes at the discretion of the presiding officer and will be accepted only on matters directly related to the subject of the hearing. Pursuant to HAR §15-219-71, speakers may be subject to questioning by the members of the HCDA Board or by any other representative of the HCDA.

When testifying, you will be asked to identify yourself and the organization, if any, that you represent. Oral live testimony may be provided via either of the following options:

- **In Person**
Upon arriving in person, please complete the speaker registration form at the sign-in table on the 2nd floor of the American Brewery Building, 547 Queen Street, Honolulu, Hawai'i 96813. When the Chairperson asks for public testimony, and your name is called, please approach the public testimony table, and proceed with your testimony.
- **Via Zoom**: Oral live testimony may be provided remotely via the Zoom link provided above at the top of this Notice. You will be asked to provide your name and an email address in the standard email format, e.g., *****@*****.com.

Please use your full name and organization when joining via Zoom. Your microphone will automatically be muted. When the Chairperson asks for public testimony, you may click the Raise Hand button found on your Zoom screen to indicate that you wish to testify. The Chairperson will individually enable each testifier to unmute their microphone. When recognized by the Chairperson, please unmute your microphone before speaking and mute your microphone after you finish speaking. The Authority may remove any person who willfully disrupts the hearing.

- **Via Phone:** If you do not have a computer/internet access, you may provide oral, live testimony via the Participate by Phone option and attend this public hearing with audio-only access by calling the phone number listed in the “Participate Via Phone” option located at the top of this Notice.

Upon dialing the number, you will be prompted to enter the Meeting ID, which is also listed at the top of this Notice. After entering the Meeting ID, you will be asked to either enter your panelist number or wait to be admitted into the meeting. Please wait until you are admitted into the meeting, as no panelist numbers will be issued.

When the Chairperson asks for public testimony, you may indicate that you want to testify by entering * followed by **9** on your phone’s keypad. A voice prompt will then let you know that the meeting host has been notified. When recognized by the Chairperson, please unmute yourself by entering * and then **6** on your phone’s keypad. A voice prompt will let you know that you are unmuted, and you may begin speaking. After you have finished speaking, please enter * and then **6** again to mute yourself.

Written Testimony

To ensure that the public as well as the HCDA Board Members receive testimony in a timely manner, it is requested that written testimony be submitted no later than 24 hours prior to the scheduled Public Hearing date and time. Any written testimony submitted after such time cannot be guaranteed to be distributed in time for the Public Hearing but will be provided to the Board Members as soon as practicable. Written testimony may be submitted by any one of the following methods:

- **Via Email to:** dbedt.hcda.contact@hawaii.gov
- **Via Web form at:** <http://dbedt.hawaii.gov/hcda/submit-testimony>
- **Via U.S. Postal Mail sent to:**
Hawaii Community Development Authority
547 Queen Street
Honolulu, HI 96813
- **Via Facsimile (fax) to:** (808) 587-0299

Please note that written public testimony submitted to the HCDA will be treated as a public record and any contact information contained therein will be available for public inspection and copying.

For any questions or concerns regarding the above, please call the HCDA office at (808) 594-0300.

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Francine Murray, HCDA Community Outreach Officer, via phone at (808) 594-0300 or by email at: dbedt.hcda.contact@hawaii.gov or by facsimile at (808) 587-0299 as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternative/accessible formats.

HAWAII COMMUNITY DEVELOPMENT AUTHORITY
CHASON ISHII, CHAIRPERSON