

**STATE OF HAWAI‘I
HAWAI‘I COMMUNITY DEVELOPMENT AUTHORITY
KALAELOA MEETING**

Wednesday, December 6, 2023

MINUTES

I. CALL TO ORDER/ROLL CALL

The Hawai‘i Community Development Authority (“Authority” or “Board”), a body corporate and a public instrumentality of the State of Hawai‘i met virtually (utilizing the state-supported Zoom Meeting platform) and at the meeting site for a Regular meeting on December 6, 2023.

HCDA Chairperson, Chason Ishii, called the December 6, 2023, HCDA Kalaeloa Authority Regular meeting to order at 10:40 a.m.

Acknowledgement that the Meeting is Being Convened Virtually

Craig Nakamoto, Executive Director, reiterated the wording contained in the Meeting Agenda regarding the guidelines and directives provided by Section 92-3.7, Hawai‘i Revised Statutes (“HRS”), to enable public boards and commissions to conduct business virtually with a meeting site open to the public.

About the foregoing, Mr. Nakamoto reiterated wording contained in the Meeting Agenda noting that HCDA welcomes public attendance via the Zoom link provided and also at the meeting site, located at The American Brewery Building, 547 Queen Street, 2nd Floor Board room, Honolulu, Hawai‘i, 96813. He also noted HCDA also welcomes public comment and public participation via submission of written or oral testimony. Mr. Nakamoto stated that individuals, if any, from the public who have requested to provide testimony are on standby and will be permitted to speak during the public testimony session of the specific agenda item.

Chair Ishii conducted the roll call. Those present and excused were as follows:

Members Present:

Chason Ishii, Chairperson
Sterling Higa, Vice-Chairperson
Peter Apo, Secretary
Melissa Miranda-Johnson, B&F (Ex-Officio)
Mark Anderson, B&F (Ex Officio)
Mary Alice Evans, DBEDT (Ex-Officio)

Members Excused:

Craig Hirai, Dept. of Planning and Permitting (Ex-Officio)
David Rae

A quorum was present.

Legal Counsel:

Kelly Suzuka
Kevin Tongg

Staff Present:

Craig Nakamoto, Executive Director
Francine Murray, HCDA Community Outreach Officer
Ryan Tam, HCDA Director of Planning and Development
Garet Sasaki, HCDA Chief Financial Officer
Armaine Tomacder, HCDA Secretary

II. APPROVAL OF MINUTES
Regular Meeting Minutes of October 4, 2023

There were no comments or corrections from the Board members. The meeting minutes were approved as presented.

III. DECISION MAKING
Consider Authorizing the Executive Director to Schedule Hearings Pursuant to Chapter 91, Hawaii Revised Statutes (HRS), and Chapter 201M, HRS, Regarding Proposed Amendments to the 2006 Kalaeloa Plan and Rules, Chapter 15-215, Hawaii Administrative Rules, to Clarify Rules, Streamline Permitting, Improve Planning, and Make Other Amendments.

Mr. Ryan Tam, HCDA Director of Planning and Development, presented the staff report included in the board packet. Mr. Tam stated that the changes proposed in the Administrative Draft Plan and Rules were provided from an established Permitted Interaction Group. A community meeting was also held in June 2023 to obtain public feedback on the draft plan and rules. Comments were primarily from area landowners and developers. Mr. Tam further explained the proposed amendments and updates consisted of:

- establishing a new special land use district to address comments from the Department of Hawaiian Home Lands (DHHL);
- designating the Ewa Battlefield Historic District with special design reviews to protect historic resources, including edits to architectural design standards, materials, and other design elements; edits to land use transect zones and allowable activities;
- updates to definitions and clarifications; and
- updates to ensure consistency with HRS §§ 206E-4.1 and 206E-5.6, and including ‘Olelo Hawai‘i to represent the cultural history and ties of the ahupua‘a.

Member Evans asked if Mr. Tam could explain the term “transect zones”.

Mr. Tam clarified that there are transect zones placed on a scale 0 (most rural) to 5 (most urban).

Member Evans reiterated Mr. Tam’s answer to confirm his explanation, and assumed that this scale helps to allow a variety of land uses without putting a high rise next to the lowest density area.

Mr. Tam affirmed that Member Evans’ explanation is correct.

Member Evans asked, after seeing the impacts of climate change and disasters that affect existing structures, if there is any provision in either the current rules or the proposed rules for property owners to rebuild with a more expedited permit process? Or alternatively, does the process default to the county nonconforming land use ordinance?

Mr. Tam answered that, presently, the process does default to the county. The goal for 2024 is to address the climate change and sustainability concerns in more detail.

Member Evans added that one of the lessons learned in the aftermath of the Lahaina wildfires disaster is that a non-conforming use policy, with the allowance to rebuild if no more than 50% of the structure is damaged, does not help those property owners whose properties are more than 50% damaged. The need for expedited permitting when there is a large area of damage is being raised by those impacted owners.

Mr. Tam answered that this is something that can be considered, and at the very least, there is a plan to include basic language that the development must consider climate change into the rules. As development occurs and feedback is received from the industry and the community, those findings may be applied either as a separate set of rules or an additional step to the current rules. There were no further questions or comments from the Board.

Public Testimony

Chair Ishii called for public testimony.

Ms. Tara Rojas, a Kalaeloa resident, provided testimony virtually. She stated that although there were 120 testimonies received, primarily from developers and landowners, the public was not included in that. She mentioned that HCDA is trying to incorporate feedback that was provided, but not in the way that the public would like. Ms. Rojas referenced the use of ‘Olelo Hawai‘i in this project, but claims that traditional Hawaiian practices were not honored during the planning and development process. In regards to the water drought situation in the area, Ms. Rojas anticipates that water bills will rise 50% in the next five years, and that the land is at overcapacity. To wrap up, Ms. Rojas states that there is no permission, water and sewer usage is over capacity, there is overdevelopment, and urges HCDA to look at the Commission Water Research Management, Board of Water Supply Watershed Management Plan, and know that UH West Oahu will have a meeting for a memorandum of agreement to discuss the plan to build student housing in this ahupua‘a.

Mr. Mōleka Hicks provided testimony, virtually and concurred with Ms. Rojas. He stated that the removal of the open space from T-2 zoning will allow more dense development to occur in an area that cannot support it. Mr. Hicks added that this development opposes the culture of the land; only descendents of Queen Kekau‘onohi have title through Royal Patent and are the only ones who can say what transactions occur. Mr. Hicks stated his various involvements in the Hawaiian Sovereignty movement. He, along with other testifiers present, exercise the Hawaiian Kingdom Law and will hold HCDA liable and accountable for the international law crimes against humanity and against the laws of the land.

Ms. Keakua Thegreat provided testimony, virtually, introducing herself as a descendent of Queen Kekau‘onohi. She stated that her family is against this development, as it violates spiritual contracts tied to the land. Ms. Thegreat provided a brief history of the ownership of the land, and claimed that the natural waterways from Waiahole have been altered since that time. She urged that there will be nowhere for future generations to play and no water available if development is permitted to continue. She pleaded to the Board to do the honorable thing, look outside of commerce and contracts, and to keep in mind the culture and people that are affected.

Ms. Tara Rojas provided another testimony virtually to reiterate that Ms. Thegreat is a direct descendent of Kekau‘onohi and the people of these lands, and asks for flexibility with the time allotted for each testifier. She said that more time should be allowed if the subject is to remove zoning and change it to desecrate land, and because no one else attends these meetings other than those that are aware of these plans and the current lawsuit in this area.

There were no written testimonies, and no further oral testimonies received.

MOTION:

Chair Ishii asked for a motion for the Authority to Authorize the Executive Director to Schedule Hearings Pursuant to Chapter 91, Hawaii Revised Statutes (HRS), and Chapter 201M, HRS, Regarding Proposed Amendments to the 2006 Kalaeloa Plan and Rules, Chapter 15-215, Hawaii Administrative Rules, to Clarify Rules, Streamline Permitting, Improve Planning, and Make Other Amendments.

Motion was made by Vice Chair Higa. Member Apo seconded the motion.

Mr. Ryan Tam conducted the roll call vote. Motion passed with 6 ayes, and 2 excused.

IV. REPORT OF THE EXECUTIVE DIRECTOR

Monthly Report and Other Status Reports

Approved permit applications that did not require HRS 206E-5.6 public hearings.

ED Nakamoto referred to the Executive Director’s report provided in the board packet and noted that he is available for any questions board members may have.

There were no questions or comments from Board members.

Public Testimony

Chair Ishii called for public testimony. There were no inquiries to provide oral testimony, and no written testimonies were received.

V. ADJOURNMENT

Chair Ishii thanked those who joined today’s meeting on Zoom and adjourned the meeting at 11:23 a.m.

Peter Apo, Secretary

Date Approved by the Board

DRAFT