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## 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. Act 61, Session Laws of Hawaii 2014, was  
2 enacted to reform the notice, hearing, approval, and vesting  
3 rights for development permits. Act 61 also amended the  
4 membership of, and appointment process for, the Hawaii community  
5 development authority.

6           The legislature intended for the terms of office of each  
7 existing member of the Hawaii community development authority in  
8 office as of the day before the effective date of Act 61 to  
9 terminate on March 1, 2015. However, because new members must  
10 be appointed from lists submitted by the speaker of the house of  
11 representatives, the president of the senate, and the Honolulu  
12 city council, and also confirmed by the senate, it is unclear  
13 whether the authority will be fully constituted to act on  
14 proceedings that had commenced in 2013. Pursuant to section 91-  
15 13.5(c), Hawaii Revised Statutes, "issuing agencies shall take  
16 action to grant or deny any application for a business or  
17 development-related permit, license, or approval within the



1 established maximum period of time, or the application shall be  
2 deemed approved; provided that a delay in granting or denying an  
3 application caused by the lack of quorum at a regular meeting of  
4 the issuing agency shall not result in approval under this  
5 subsection; provided further that any subsequent lack of quorum  
6 at a regular meeting of the issuing agency that delays the same  
7 matter shall not give cause for further extension, unless an  
8 extension is agreed to by all parties."

9       According to the Hawaii community development authority,  
10 the following six projects, which have applications before the  
11 authority, could be automatically approved pursuant to section  
12 91-13.5(c), Hawaii Revised Statutes, if any delay in the  
13 appointment and confirmation of members repeatedly prevents the  
14 Hawaii community development authority from conducting business  
15 due to a lack of quorum:

- 16       (1) Ward Village land block 2, project 2: Referred to as  
17       the "gateway development" with two iconic residential  
18       towers and a total of two hundred thirty-six new  
19       housing units at the Ward Warehouse site, including a  
20       water feature and green space/public plaza connecting  
21       the nearby Kakaako rail station to the ocean at Kewalo



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- 1 Basin Harbor. The permit application was received and  
2 deemed complete on August 6, 2014;
- 3 (2) Ward Village land block 1, project 2: Proposed by  
4 Whole Foods Market, the project comprises a  
5 residential tower at the former Nordstrom Rack/Office  
6 Depot parking lot site behind the Ward theaters. The  
7 permit application was received and deemed complete on  
8 September 15, 2014;
- 9 (3) Vida (Kobayashi/MacNaughton): Luxury residential  
10 tower proposed at 888 Ala Moana Boulevard (Kamehameha  
11 Schools Land Block 1), where the Cutter auto  
12 dealership is currently located. It is part of the  
13 Kamehameha Schools Master Plan, which is vested under  
14 the 2005 rules that were applicable to the Howard  
15 Hughes/Ward Village Master Plan;
- 16 (4) Artspace: Eighty-four affordable rental units for  
17 artists earning at or below thirty per cent of the  
18 average median income, built on the Hawaii community  
19 development authority's lot behind the Pacifica on  
20 Waimanu Street;



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1           (5) Cooke Street Micro-units: Fifty to seventy affordable  
2           micro-units to be built on the Hawaii community  
3           development authority's parking lot near Karen's  
4           Kitchen; and

5           (6) B.I.G. Ward Village: This residential tower would be  
6           built behind Marukai, where the warehouses are  
7           currently located next to the Ward Village theater  
8           parking structure.

9           The legislature finds that Act 61 was not intended to allow  
10          applications pending before the Hawaii community development  
11          authority to be automatically approved due to the transition of  
12          its membership.

13          Accordingly, the purpose of this Act is to provide the  
14          Hawaii community development authority with a temporary  
15          exemption from section 91-13.5, Hawaii Revised Statutes, to  
16          prevent the automatic approval of applications while the  
17          authority transitions in accordance with Act 61.

18          SECTION 2. Notwithstanding the provisions of section 91-  
19          13.5(c), Hawaii Revised Statutes, to the contrary, beginning on  
20          February 27, 2015, and ending upon the adjournment sine die of  
21          the 2015 regular session of the legislature, the Hawaii



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1 community development authority shall extend the maximum period  
 2 under section 91-13.5, Hawaii Revised Statutes, to grant or deny  
 3 an application for a permit, license, or approval pending before  
 4 the authority if the application would otherwise be  
 5 automatically approved pursuant to section 91-13.5(c), Hawaii  
 6 Revised Statutes, due to a lack of quorum at a regular meeting  
 7 of the authority; provided that the maximum period shall not be  
 8 extended beyond the date of the regularly scheduled meeting of  
 9 the Hawaii community development authority next following  
 10 adjournment sine die of the 2015 regular session of the  
 11 legislature.

12 SECTION 3. This Act shall take effect upon its approval.  
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INTRODUCED BY:

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JAN 23 2015



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**Report Title:**

HCDA; Quorum; Membership; Transition

**Description:**

Prevents the automatic approval of applications pending before the HCDA while the HCDA membership transitions in accordance with Act 61, SLH 2014.

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

