

Open Space Requirements in Kakaako

There are about 54 acres of public recreation space in the Kakaako Community Development District, and about 16 acres of private recreation space (recreation decks on private property). In all likelihood, this number of recreation space will only grow as more developments move in and create the open spaces that the community wants and needs.

The HCDA believes it's important to create and maintain spaces for the community in which to gather and interact. As city Councilwoman Ann Kobayashi once mentioned at a Kakaako/ Ala Moana Neighborhood Board meeting, the city says it will not build any new parks until it gets the money it needs to maintain the current ones. This is a very interesting concept, as the HCDA is also in a similar situation of struggling to maintain parks, without government funding.

The HCDA believes it's better to have several engaging and inviting open spaces, than many under-utilized open spaces. We can accomplish this through activating and bringing life back to the parks we have. In this way, "open space" goes beyond just a patch of grass or an empty piece of land with no buildings on it. It can become an area that brings people together, promotes family friendly activities, and facilitates the sense of community that most everyone hopes to achieve in Kakaako.

2005 Mauka Area Rules (only applies to land owned by Howard Hughes and Kamehameha Schools): "Open space" is defined as noncontiguous, unbuilt and unobstructed spaces AT GRADE, between and adjacent to public and private structures. It must be unobstructed overhead (open to the sky), landscaped or maintained as a recreational or social facility, Open space is also PROHIBITED from being used as a driveway or loading/ storage/ parking zone. Under the 2005 rules, the minimum open space requirement is either 10% of the lot size or 25% of the lot size less required yard areas (whichever is lower). Although this is less acreage than is required under 2011 rules, remember that open space under 2005 rules must be at-grade, which makes it more difficult to implement.

2011 Mauka Area Rules (applies to everything else): "Open space" guidelines are different depending on the type of building. Podium high rises are the most common for residential buildings that were approved recently, like 801 South and 703 Waimanu. Under the 2011 Mauka Rules for podium high rises, the 15% of lot size for open space applies, and the open space must also be uncovered and open to the sky. However, the open space can either be at-grade, or on a rec deck that's on an upper level. Even though such rec decks are private, the idea behind allowing them to be counted as open space is because they would still provide recreation space for the residents of the development. Those residents might choose to stay in their buildings instead of visiting public parks, thereby leaving more room for other Kakaako residents who do opt to go to the park.

The proposed TOD plan does not specifically say open space MUST be at-grade...so it is much like the 2011 rules, as it allows open space to be provided at-grade or on podiums/ elevated courtyards. However, anything could change since the TOD plan is still undergoing public comment and has not yet been approved or adopted.

Every single landowner in Kakaako, except Howard Hughes and KS, must follow the 2011 Mauka Area rules. Howard Hughes and KS were vested under the old rules (2005 mauka area rules), which require them to follow the open space at-grade requirement on all their properties. It doesn't matter who the developer is, since landowners can choose any developer for their project. The only thing that matters is the landowner, when it comes to determining what rules (2005 or 2011) are followed.

This means recently approved developments on non-KS/ Howard Hughes land like 803 Waimanu St. (Developer: MJF Corp./ Franco Mola) and 801 South St. (Developer: Downtown Capital/ Marshall Hung) follow the new 2011 rules and can have open space pretty much wherever they want (see the wording of the rules for where it is allowed). We have renderings and project plans for those projects on our website, so you can see where they chose to put their open space (<http://dbedt.hawaii.gov/hcda/projects/>). The Symphony (across from the Blaisdell Center) is another project that follows the new 2011 rules and does not have to put open space at grade level.

Public facilities dedication fees: These are one time charges for each development. They're calculated in two ways, one for residential buildings, and one for commercial buildings. For residential buildings, developers must give 4% of the residential floor area to the HCDA in the form of actual land, or pay cash-in-lieu (the equivalent market value of that land). For commercial buildings, it's 3%.

Generally the majority of public dedication fees are collected in the form of land (like those from KS and Howard Hughes). But when a landowner has a really small parcel (like 803 Waimanu), then it makes more sense to get the cash-in-lieu, since there's not much public good that can be done with a tiny 800-square-foot piece of land.

Kakaako Gateway parks were obtained in this manner from Kamehameha Schools. HCDA now owns those parks because KS gave them to us as their public facilities dedication fees for some of their developments in the area. Howard Hughes is building several large pedestrian plazas to fulfill their public facilities dedication fees.

The fees pay for the building of new parks (like Kolowalu park), and can also be used for park maintenance and public facilities, like the HCDA buying private parking lots to create public parking lots. However, because most of the public facilities dedication fees are collected in the form of land, the HCDA does not have much cash in its public facilities account. In addition, much of that money was spent when the HCDA built Kolowalu Park several years ago. This is why the HCDA must still continue to foot the bill for park maintenance and rely on the monies raised through asset management and leasing land to pay for park upkeep.