

FOR INFORMATION and DISCUSSION

I. SUBJECT

Status Update: Amendment of Title 15, Chapter 217, Hawaii Administrative Rules ("HAR"), Relating to the Kaka'ako Community Development District Mauka Area Rules to Address the Transit Oriented Development Overlay Plan Environmental Impact Statement, dated June 10, 2015.

II. FACTS

On September 16, 2015, the Governor accepted the Environmental Impact Statement¹ ("EIS") for a Transit Oriented Development ("TOD") Overlay Plan² which covered selected parcels in the Mauka Area of the Kaka'ako Community Development District ("Mauka Area"). The plan assessed the impacts of building height and density incentives for the provision of public benefits, parking policy changes, and other urban streetscape changes.

To implement these TOD policies, the Hawaii Community Development Authority ("HCDA") staff and its consultant, Hi.Arch.Y LLC., conducted extensive outreach on proposed amendments to the Mauka Area rules. Virtual community and stakeholder meetings were held between November 2021 and November 2022. Comments received through both the EIS and community outreach processes were incorporated into the proposed amendments. A presentation on the draft rules was also provided to the Board in December 2022. Since then, HCDA staff have refined the proposed amendments and incorporated input from the Native Hawaiian community.

The proposed amendments are generally designed to promote public benefits, enhance the urban realm, and streamline permit reviews. A summary of key amendments is below:

- **Incentive zoning**: On designated TOD parcels, developers will be incentivized to provide additional housing, public amenities, environmental benefits, or other community enhancements. The incentives will be available on approximately 99 acres in the Mauka area, or about 25% of the developable land. The incentives are provided as additional floor area bonuses, up to a maximum Floor Area Ratio ("FAR") of 10.0. For example, increasing the amount of reserved housing to 45% of the units would add a development bonus of 4.0 FAR.
- **Parking Deregulation**: Nearly all the off-street vehicle parking requirements are proposed to be removed, with a few exceptions in the Sheridan neighborhood, for group or nursing homes, and hotel or lodging uses. Parking is also now included in the baseline FAR calculations, so that developers can properly account for the value of this land.


- Land Use: Business hotels would now be permitted in selected neighborhoods. Restaurants, bars, and alcohol sales would be permitted in the Sheridan district. Height limits would also be increased from 45-feet to 100-feet and would be consistent with adjacent low-rise neighborhoods nearby. This draft of the rules also maintains the existing 65-foot height limit in Central Kaka‘ako.
- Other changes: The addition of two new permit types will simplify the land use permit review process. Permit fees are also being increased for the first time since 2011. The updated rules will also codify previous interpretations regarding utilities and service elements, windows and glazing, and view preservation. The updated rules will also include other clarifications, miscellaneous edits, and revised figures.

III. DISCUSSION

HCDA staff will be circulating the draft amendments to the Mauka Area Rules for final review by the Attorney General and the working groups that assisted with its development. The draft rules will then be presented to the Small Business Regulatory Review Board, before the public hearing is scheduled.

Citations: ¹ Hawaii Community Development Authority. (2015). *TOD Overlay Plan Final Environmental Impact Statement*. <https://dbedt.hawaii.gov/hcda/files/2019/05/TOD-Final-EIS-Volume-1-2.small-file.pdf>

² Hawaii Community Development Authority. (2016). *Final Draft TOD Overlay Plan*. <https://dbedt.hawaii.gov/hcda/files/2016/05/Final-TOD-Overlay-Plan-Draft-31816.pdf>

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