

FOR INFORMATION and DISCUSSION

I. SUBJECT

Discussion Regarding Amendment of Kaka‘ako Community Development District 2005 Makai Area Plan and Rules to Reflect HRS 206E-31.5 and a Ban on Residential Development, Subsequent Planning Efforts, and Consistency with Rules in Other Districts

II. BACKGROUND

Title 15, Chapter 23, Hawaii Administrative Rules ("HAR"), Relating to the Kaka‘ako Makai Community Development District ("CDD") was enacted on November 3, 2005.¹ These rules utilized traditional zoning controls such as restrictions on density, allowed land uses, building setbacks, and off-street parking and loading requirements. The 2005 Makai Area Plan² and the Rules, which are still currently in effect, includes approximately 50-acres of mixed-use zone with commercial and residential uses.

In 2006, Act 317 became law which banned residential development in the Makai area. At that time, the HCDA Board also established the Kakaako Community Planning Advisory Council ("CPAC"), which conducted an extensive planning and community outreach effort which resulted in the Kaka‘ako Makai Conceptual Master Plan ("2011 Conceptual Plan").¹ The CPAC worked with community stakeholders including the Native Hawaiian community, the Office of Hawaiian Affairs, and the Friends of Kewalo Basin Park Association, and held many public meetings to develop guiding principles and the conceptual master plan for the redevelopment of Kaka‘ako Makai.

The CPAC analyzed the physical area, reviewed the local economic influences, market demand and viability of commercial and other land uses. Eventually, the group codified 14 guiding principles for the area.

The 2011 Conceptual Plan calls for public benefit uses in Kaka‘ako Makai, such as a performing arts center, museum, community center, farmers market, or fish market. On May 18, 2011, the Authority unanimously adopted the 2011 Conceptual Plan as the guiding document for reviewing and approving any state-owned lands in Kakaako Makai.

In 2011, the Authority revised the Kaka‘ako Mauka Area rules, as well as the Kalaeloa CDD Rules. These revisions differed from the traditional zoning controls used for the 2005 Makai Area Rules and established a form-based zoning code that regulates key characteristics of the public realm, such as building facades, form and mass, scale and street design.

Over the last several years, Authority staff have been drafting updates to the Kalaeloa and Kaka‘ako Mauka Area Plan and Rules. The proposed updates, which are expected to go through formal rulemaking processes later this year, are intended to clarify application of

existing rules, simplify the permit processes, and improve overall community planning efforts. In the Kaka‘ako Mauka CDD, the update will also introduce incentive-based transit-oriented development zoning rules to achieve enhanced community benefits.

III. DISCUSSION

HCDA staff intend to begin drafting revisions to the Kaka‘ako Makai Area Rules. Staff would conduct public outreach activities and work with stakeholders on these rule amendments. A supplemental environmental assessment would also be prepared. Staff would also formally request that the Authority initiate formal rulemaking hearings at the end of the Summer 2023.

Codifying HRS 206E-31.5 and the Kaka‘ako Makai Conceptual Master Plan into the Kaka‘ako Makai CDD Rules would provide applicants with clearer and consistent direction when seeking entitlements for land development proposals from the Authority. In addition, the updates would also provide a basis for the Authority to evaluate the planning and environmental impacts of any future legislative or other development initiatives in the Kaka‘ako Makai CDD.

Citations: ¹ Hawaii Community Development Authority. (2005). *The Kaka‘ako Community Development District Rules for the Makai Area. Title 15, Subtitle 4, Chapter 23, Hawaii Administrative Rules.* <https://dbedt.hawaii.gov/hcda/files/2012/11/Chapter-23-Makai-Area-Rules-Eff-2005-11-3.pdf>

² Hawaii Community Development Authority. (2005). *Kaka‘ako Community Development District Makai Area Plan.* <https://dbedt.hawaii.gov/hcda/files/2013/02/Makai-Area-Plan-EFF-2005-10-24.pdf>

³ Hawaii Community Development Authority. (2011). *Kaka‘ako Makai Conceptual Master Plan Final Report.* Prepared by MVE Pacific, Inc. https://dbedt.hawaii.gov/hcda/files/2015/03/11_0404_KM-FINAL-REPORT.pdf

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