

Reviewed and Approved by Executive Director: Craig Z. L. L.  
July 5, 2023

## **FOR ACTION**

### **I. SUBJECT**

Consider Authorizing the Executive Director to Schedule Community and Stakeholder Meetings and Execute Necessary Contracts, as needed, Regarding Proposed Amendments to the Kakaako Community Development District Makai Area Plan and Chapter 15-23, Hawaii Administrative Rules, to Prohibit Residential Development and to Make Other Possible Amendments, for lands in the Kaka‘ako Community Development District that are generally makai of Ala Moana Boulevard.

### **II. BACKGROUND**

Title 15, Chapter 23, Hawaii Administrative Rules (“HAR”), Relating to the Kaka‘ako Makai Community Development District (“Makai Rules”) was enacted on November 3, 2005.<sup>1</sup> In 2006, Act 317 banned residential development in the Makai area. The Authority subsequently formed the Kakaako Community Planning Advisory Council and conducted an extensive planning and community outreach effort.

The resulting Kaka‘ako Makai Conceptual Master Plan<sup>2</sup> was adopted by the Authority in 2011 as the guiding document for reviewing and approving any state-owned lands in Kaka‘ako Makai. The Makai Rules, however, were never conformed to Act 317 or the Kaka‘ako Makai Conceptual Master Plan. As such, residential uses are still currently permitted in Kaka‘ako Makai.

### **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. 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 Makai Rules would provide applicants with clearer and consistent direction when seeking entitlements for land development proposals from the Authority.

In addition, the updated rules would also provide a basis for the Authority to evaluate the planning impacts of any future legislative or other development initiatives in the Kaka‘ako Makai Community Development District.

Staff from the planning and development team will be assigned to this project. Staff capacity exists to prepare this revision. Work is expected to be done primarily in-house.

#### IV. RECOMMENDATION

Authorize the Executive Director to Schedule Community and Stakeholder Meetings and Execute Necessary Contracts, as needed, Regarding Proposed Amendments to the Kakaako Community Development District Makai Area Plan and Chapter 15-23, Hawai'i Administrative Rules, to Prohibit Residential Development and to Make Other Possible Amendments, for lands in the Kaka'ako Community Development District that are generally makai of Ala Moana Boulevard.

**Citations:** <sup>1</sup> 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>

<sup>2</sup> 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](https://dbedt.hawaii.gov/hcda/files/2015/03/11_0404_KM-FINAL-REPORT.pdf)

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