

FOR ACTION

I. SUBJECT

Consider Authorizing the Executive Director to Schedule Presentations to the Small Business Regulatory Review Board and Rulemaking Hearings Regarding Proposed Amendments to the Chapter 15-217, Hawaii Administrative Rules, to Conform the Mauka Area Rules to the TOD Overlay and Make Other Amendments for lands in the Kaka‘ako Community Development District that are generally mauka of Ala Moana Boulevard.

II. BACKGROUND

Title 15, Chapter 217, Hawaii Administrative Rules (“HAR”), Mauka Area Rules, relating to the Kaka‘ako Makai Community Development District (“CDD”) took effect on November 11, 2011.¹

In 2016, the Hawaii Community Development Authority (“HCDA”) completed a Transit Oriented Development (“TOD”) Overlay Plan² which covered selected parcels in the Mauka Area of the Kaka‘ako CDD. 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 policies, 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 last provided to the Board in April 2023.

The proposed amendments are generally designed to promote public benefits, enhance the urban realm, and streamline permit reviews. These amendments include:

- Incentive zoning
- Parking deregulation, including deleting minimum parking requirements
- Adjustments to land use
- Simplified permitting and other changes

III. DISCUSSION

The draft rules and a Small Business Impact Statement will be submitted to the Small Business Regulatory Review Board (“SBRRB”). Pending SBRRB approval, staff would schedule the contested case presentation hearing for October.

IV. RECOMMENDATION

Authorize the Executive Director to Schedule Presentations to the Small Business Regulatory Review Board and Rulemaking Hearings Regarding Proposed Amendments to the Mauka Area Rules, Chapter 15-217, Hawaii Administrative Rules, to Conform the Rules to the TOD Overlay and Make Other Amendments for lands in the Kaka‘ako Community Development District that are generally mauka of Ala Moana Boulevard.

Citations: ¹ Hawaii Community Development Authority. (November 11, 2011). *Mauka Area Rules. Title 15, Subtitle 4, Chapter 217, Hawaii Administrative Rules.*
<https://dbedt.hawaii.gov/hcda/files/2012/11/Chapter-217-Mauka-Area-Rules-EFF-2011.11.11.pdf>

² Hawaii Community Development Authority. (March 18, 2016). *Kaka‘ako Community Development District TOD Overlay Plan. Final Draft.*
<https://dbedt.hawaii.gov/hcda/files/2016/05/Final-TOD-Overlay-Plan-Draft-31816.pdf>

Attachments: Exhibit A – Administrative Draft Kaka‘ako Mauka CDD Rules

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