

**Summary of Proposed Changes to the Makai Area Rules**

August 2023 Administrative Draft (rev 2)

Proposed Change	Citation	Notes
<b>Rule Clarifications</b>		
<b>1. Consistency with Mauka Rules</b>	§ 15-23-1 and -3	Clarifies the application of the rules. Removes obsolete language.
<b>2. Updates window requirements</b>	§ 15-23-5	Consistency with Mauka rules. Requires minimum level of visible light transmission level for ground floor windows. Provides for executive director discretion if visual light transmission requirements conflict with State Energy Code or other government requirements.
<b>3. Added Rules of Interpretation</b>	§ 15-23-6	Consistency with Mauka rules. Replaced rules for construction of lanugage. Provides for conflicts and rules of precedents. Adds provisions for executive director interpretations.
<b>4. Environmental standards</b>	§ 15-23-77	Removed outdated references
<b>5. Historic Resources</b>	§ 15-23-158 to -161	Brings processes in line with current laws and Mauka rules. Allows for treatment of historic resources that no longer exist.

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<b>Permit Simplification</b>		
<b>6. Consistency with Mauka Area permits</b>	§ 15-23-5, -11,-24, -25, -26, -78, -79, And -82	<ul style="list-style-type: none"> <li>• Renovation permit allows interior modifications and up to 25% more floor area (§ 15-23-26)</li> <li>• New rules clearances (§ 15-23-25)</li> <li>• Temporary use permit added to allow short-term uses (§ 15-23-78)</li> <li>• Improvement permit allows smaller projects (§ 15-23-11)</li> <li>• Update conditional use of vacant land permit (§ 15-23-79)</li> <li>• Add conditional use permit (§ 15-23-82)</li> <li>• Zoning clearances added to support liquor licenses (§ 15-23-24)</li> </ul>
<b>7. Eliminate project eligibility review</b>	§ 15-23-10	Replaced by completeness review for consistency with Mauka rules.
<b>8. Addition of Design Advisory Board</b>	§ 15-23-11	Adds provisions for design advisory boards and a Native Hawaiian cultural consultant, as consistent with Mauka rules.
<b>9. Improved Permit Processes</b>	§ 15-23-13, -22, -23, -24, -85	<ul style="list-style-type: none"> <li>• Updated automatic approval periods for consistency with Mauka rules (§ 15-23-22)</li> <li>• Updated appeals process to be consistent with current practice (§ 15-23-13)</li> <li>• Eliminated development permit lapse provision (§ 15-23-85); replaced by approval validity period (§ 15-23-23)</li> </ul>
<b>10. Updated application fee schedule</b>	§ 15-23-16	Permit fees are updated to reflect current costs and staff level of effort.
<b>11. Interpretations</b>	§ 15-23-20	Clarifies process to be consistent with Mauka rules
<b>12. Minor changes</b>	§ 15-23-90	Allows minor permit changes; consistent with Mauka rules

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<b>Improved Planning</b>		
<b>13. Update definition of Floor Area</b>	§ 15-23-5	Some consistency with Mauka. Adjusts definition of floor area to include, building overhangs, canopies with more than 50% coverage, and other clarifications. Parking remains excluded as floor area.
<b>14. Consideration of climate change and infrastructure adequacy</b>	§ 15-23-8	Adds explicit mention within overall scope of the Makai rules.
<b>15. Land Use Zones</b>	§15-23-30, -31, -32, -33, and -34	<ul style="list-style-type: none"> <li>• Removed residential uses</li> <li>• Simplified allowable land use types</li> <li>• Eliminated waterfront industrial zone</li> </ul>
<b>16. Fences</b>	§ 15-23-64	For public utility projects, allows fences and walls up to 8', with security wire up to 10' in height. Consistent with Mauka rules.
<b>17. Open Space</b>	§ 15-23-5 and -65	Clarifies definition of open space and allows required open space to be provided on a podium, roof garden, or roof top recreation area, if it is publicly accessible.
<b>18. Parking</b>	§ 15-23-68	Eliminates minimum parking requirements to allow developers to right-size parking, lower construction costs, and support multimodal transportation options. Consistent with City and County of Honolulu Ordinance 20-41. Also requires above-ground parking to be lined or screened.
<b>19. Addition of Flood Hazard District Design Standards</b>	§ 15-23-81	Consistency with Mauka rules. Design standards help ensure that flood control measures do not impede pedestrian access and are seamless with the urban fabric.