

Summary Matrix of Proposed Amendments to the Kaka'ako Makai Area Rules

October 2023 Administrative Draft

| Proposed Change | Citation | Notes |
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| Rule Clarifications | | |
| 1. Consistency with Mauka Rules | § 15-23-1.1 and -3 | Clarifies the application of the rules. Removes obsolete language. |
| 2. Added rules of interpretation | § 15-23-6.1 and § 15-23-7.5 | Replaced rules for construction of language with mauka rules for consistency. Provides for conflicts and rules of precedents. |
| 3. Environmental standards | § 15-23-77 | Removed outdated references |
| 4. Historic Resources | § 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. |
| 5. Zoning adjustments and variances | § 15-23-14.1 and -21 | Eliminated zoning adjustments and clarified authority role in approving variances as per HRS § 206E-4.1. Also made process consistent with Mauka rules. |
| 6. Nonconformities | § 15-23-15 | Clarified authority role in allowing nonconformities and updated the grandfathering date from October 1998. |

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| Permit Simplification | | |
| 7. Consistency with Mauka Area permits | § 15-23-24, -25, -26, -27, -78, -79, and -82 | <ul style="list-style-type: none"> • Zoning clearances added to support liquor licenses (§ 15-23-24) • New rules clearances permit (§ 15-23-25) • Renovation permit allows interior modifications and up to 25% more floor area (§ 15-23-26) • Added improvement permit and new development permit rules (§ 15-23-27) • Added temporary use permit to allow short-term uses (§ 15-23-78) • Revised conditional use of vacant land permit (§ 15-23-79) • Added conditional use permit (§ 15-23-82.1) |
| 8. New completeness review | § 15-23-10.1 | Replaced project eligibility review for consistency with Mauka rules |
| 9. Addition of Design Advisory Board | § 15-23-27 | Adds provisions for design advisory boards and a Native Hawaiian cultural consultant, as consistent with Mauka rules |
| 10. Improved Permit Processes | § 15-23-13, -22, -23, -85 | <ul style="list-style-type: none"> • Updated automatic approval periods for consistency with Mauka rules (§ 15-23-22) • Updated appeals process to be consistent with current practice (§ 15-23-13) • Eliminated development permit lapse provision (§ 15-23-85); replaced by approval validity period (§ 15-23-23) |
| 11. Updated application fee schedule | § 15-23-16 | Permit fees are updated to reflect current costs and staff level of effort. |
| 12. Interpretations | § 15-23-20 | Clarifies process to be consistent with Mauka rules |
| 13. Minor changes | § 15-23-90 | Allows minor permit changes; consistent with Mauka rules |

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| Improved Planning | | |
| 14. Update definition of Floor Area | § 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. |
| 15. Consideration of climate change and infrastructure adequacy | § 15-23-8 | Adds explicit mention within overall scope of the Makai rules. |
| 16. Land Use Zones | §15-23-30, -31, -32, -33, and -34 | <ul style="list-style-type: none"> • Removed residential uses • Simplified allowable land use types • Eliminated waterfront industrial zone |
| 17. Fences | § 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. |
| 18. Open Space | § 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. |
| 19. Parking | § 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. |
| 20. Architectural Design | § 15-23-71.1 | Requires the highest visual light transmission level while complying with the State Energy Code or other government requirements, including solar heat gain coefficients. Requires executive director review if visible light transmission level are below 70% for ground floor windows and below 50% for all other floors. |

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| 21. Addition of Flood Hazard District Design Standards | § 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. |
| 22. Expanded Master Plan Permit | § 15-23-178.1 | Incorporated master plan permit into the makai rules. |