

## **PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE KAKA‘AKO MAKAI AREA PLAN AND RULES**

### **I. BACKGROUND**

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

The resulting **Kaka‘ako Makai Conceptual Master Plan** 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, the **Kaka‘ako Makai Conceptual Master Plan**, or subsequent updates to Chapter 206E, Hawaii Revised Statutes (“HRS”).

### **II. DISCUSSION**

The proposed amendments to the Makai plan and rules incorporates the Kaka‘ako Makai Conceptual Master Plan by reference. Allowable land uses are updated to reflect the Section 206E-31.5, HRS, ban on residential development. The primary land use zones are now called the “Makai Urban Zone” and “Waterfront Community Zone” to reflect the community’s desired character for these areas. Allowable building heights and massing, however, remain generally unchanged from the 2005 plan and rules.

The proposed rule amendments also simplify the presentation of allowable land uses. This should provide landowners with additional flexibility to propose new activities, and it is also consistent with the rules in Kaka‘ako Mauka. The proposed rule amendments **also introduce new permit types that are consistent with Kaka‘ako Mauka, including rules** clearance, renovation permit, improvement permit, temporary use permit, and zoning clearances. These new permit types will streamline redevelopment and facilitate investment in existing properties in Kaka‘ako Makai. **Language is also being added to bring zoning review processes in line with Kaka‘ako Mauka, including completeness** reviews, approval periods, appeals, and historic preservation reviews.

Parking minimums are eliminated, **to be in line with the City and County of Honolulu’s** parking policies. Unlike the planned revision of the Mauka Area rules, however, parking will continue to be excluded from floor area ratio calculations.

Finally, language is also being added to reflect Act 221 (2023), which requires consideration of climate change, sea level rise, and climate-resilient development in the design and siting of buildings.

The Administrative Draft rules were presented at the Small Business Regulatory Review Board (“SBRRB”) on September 21, 2023. The SBRRB members unanimously agreed to move the proposal on to public hearing.


#### October 2023 Updates

The revised Administrative Draft rules (dated October 2023) reflects feedback regarding consistency with HRS 206E, including provisions regarding the assignment of powers (HRS § 206E-4.1) and hearing requirements for proposals to develop lands under the authority’s control (HRS § 206E-5.6). These revisions included:

- Refined definitions (HAR § 15-23-5) and adjusted section numbering to eliminate reuse of old section numbers, as per legislative reference bureau guidelines.
- Matched the rules of interpretation (HAR § 15-23-6.1) to the mauka rules and added a new section regarding conflict resolution (HAR § 15-23-7.5). Also updated the appeals section (HAR § 15-23-13).
- Updated variances (HAR § 15-23-14.1), to be consistent with mauka rules.
- Eliminated the executive director authority for make zoning adjustments as per HRS § 206E-4.1 (HAR § 15-23-21).
- Moved the improvement and development permits into a new section (HAR § 15-23-27) that is grouped with other permits.
- Updated the section on signage to match the mauka rules (HAR § 15-23-70).
- Added a new section regarding architectural features, including windows and retail storefronts (HAR § 15-23-71.1).
- Added a conditional use permit (HAR § 15-23-82.1).
- Updated application procedures (HAR § 15-23-83) to be consisted with the completeness review process (HAR § 15-23-10.1) that is in the mauka rules.
- Updated minor changes (HAR § 15-23-90).
- Updated the master plan permit (HAR § 15-23-178.1).
- Updated punctuation and spelling throughout.

#### Attachments:

1. Summary Matrix of Proposed Amendments to the **Kaka‘ako Makai** Area Rules
2. Draft **Kaka‘ako Makai** Plan
3. Makai Area Rules, Proposed Amendements - Revised Administrative Draft (Ramseyer Version), October 2023

Prepared By: Ryan Tam, AICP, Ph.D., Director of Planning and Development 

Reviewed By: Craig K. Nakamoto, Executive Director 