
A BILL FOR AN ACT

RELATING TO KAKAAKO.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 206E, Part II, Hawaii Revised Statutes,
2 is amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§206E- Kakaako makai community development subdistrict;
5 established; boundaries. The Kakaako makai community
6 development subdistrict is established. The Kakaako makai
7 community development subdistrict shall include the area within
8 the Kakaako community development district from the east side of
9 Kewalo basin at the ewa wall of Ala Moana Park, to Forrest
10 Avenue, and from Ala Moana Boulevard to the ocean.

11 §206E- Kakaako makai community development subdistrict;
12 power to develop established. (a) The Hawaii community
13 development authority shall act as the local development
14 authority to facilitate the development of the Kakaako makai
15 community development subdistrict in accordance with the Kakaako
16 makai community development plan pursuant to section 206E-35,
17 and the cultural public market pursuant to section 206E-34.



1 (b) Three additional voting members shall be appointed to
2 the authority by the governor pursuant to subsection 206E-3(b)
3 to represent the Kakaako makai community development
4 subdistrict. These members shall be considered in determining
5 quorum and majority only on issues relating to the Kakaako makai
6 community development subdistrict, and may vote only on issues
7 relating to the Kakaako makai community development subdistrict.
8 The three additional voting members shall consist of:

9 (1) The director of the city and county of Honolulu
10 department of planning and permitting; and

11 (2) Two members representing public recreation, cultural,
12 and arts organizations or business interests that have
13 participated in the community master-planning process
14 in the Kakaako makai community development
15 subdistrict."

16 SECTION 2. Section 206E-4, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§206E-4 Powers; generally.** Except as otherwise limited
19 by this chapter, the authority may:

20 (1) Sue and be sued;

21 (2) Have a seal and alter the same at pleasure;



- 1 (3) Make and execute contracts and all other instruments
2 necessary or convenient for the exercise of its powers
3 and functions under this chapter;
- 4 (4) Make and alter bylaws for its organization and
5 internal management;
- 6 (5) Make rules with respect to its projects, operations,
7 properties, and facilities, which rules shall be in
8 conformance with chapter 91;
- 9 (6) Through its executive director appoint officers,
10 agents, and employees, prescribe their duties and
11 qualifications, and fix their salaries, without regard
12 to chapter 76;
- 13 (7) Prepare or cause to be prepared a community
14 development plan for all designated community
15 development districts;
- 16 (8) Acquire, reacquire, or contract to acquire or
17 reacquire by grant or purchase real, personal, or
18 mixed property or any interest therein; [~~to~~] own,
19 hold, clear, improve, and rehabilitate[~~r~~] any real,
20 personal, or mixed property acquired; and [~~to~~] sell,
21 assign, exchange, transfer, convey, lease, or
22 otherwise dispose of or encumber the same;



- 1 (9) Acquire or reacquire by condemnation real, personal,
2 or mixed property or any interest therein for public
3 facilities, including but not limited to streets,
4 sidewalks, parks, schools, and other public
5 improvements;
- 6 (10) By itself, or in partnership with qualified persons,
7 acquire, reacquire, construct, reconstruct,
8 rehabilitate, improve, alter, or repair or provide for
9 the construction, reconstruction, improvement,
10 alteration, or repair of any project; own, hold, sell,
11 assign, transfer, convey, exchange, lease, or
12 otherwise dispose of or encumber any project, and in
13 the case of the sale of any project, accept a purchase
14 money mortgage in connection therewith; and repurchase
15 or otherwise acquire any project which the authority
16 has theretofore sold or otherwise conveyed,
17 transferred, or disposed of;
- 18 (11) Arrange or contract for the planning, replanning,
19 opening, grading, or closing of streets, roads,
20 roadways, alleys, or other places, or for the
21 furnishing of facilities or for the acquisition of



- 1 property or property rights or for the furnishing of
2 property or services in connection with a project;
- 3 (12) Grant options to purchase any project or to renew any
4 lease entered into by it in connection with any of its
5 projects, on such terms and conditions as it deems
6 advisable;
- 7 (13) Prepare or cause to be prepared plans, specifications,
8 designs, and estimates of costs for the construction,
9 reconstruction, rehabilitation, improvement,
10 alteration, or repair of any project, and from time to
11 time to modify such plans, specifications, designs, or
12 estimates;
- 13 (14) Provide advisory, consultative, training, and
14 educational services, technical assistance, and advice
15 to any person, partnership, or corporation, either
16 public or private, to carry out the purposes of this
17 chapter, and engage the services of consultants on a
18 contractual basis for rendering professional and
19 technical assistance and advice;
- 20 (15) Procure insurance against any loss in connection with
21 its property and other assets and operations in such
22 amounts and from such insurers as it deems desirable;



- 1 (16) Contract for and accept gifts or grants in any form
- 2 from any public agency or from any other source;
- 3 (17) Do any and all things necessary to carry out its
- 4 purposes and exercise the powers given and granted in
- 5 this chapter; [~~and~~]
- 6 (18) Allow satisfaction of any affordable housing
- 7 requirements imposed by the authority upon any
- 8 proposed development project through the construction
- 9 of reserved housing, as defined in section 206E-101,
- 10 by a person on land located outside the geographic
- 11 boundaries of the authority's jurisdiction; provided
- 12 that the authority shall not permit any person to make
- 13 cash payments in lieu of providing reserved housing,
- 14 except to account for any fractional unit that results
- 15 after calculating the percentage requirement against
- 16 residential floor space or total number of units
- 17 developed. The substituted housing shall be located
- 18 on the same island as the development project and
- 19 shall be substantially equal in value to the required
- 20 reserved housing units that were to be developed on
- 21 site. The authority shall establish the following
- 22 priority in the development of reserved housing:

- 1 (A) Within the community development district;
- 2 (B) Within areas immediately surrounding the
- 3 community development district;
- 4 (C) Areas within the central urban core;
- 5 (D) In outlying areas within the same island as the
- 6 development project.

7 The Hawaii community development authority shall
 8 adopt rules relating to the approval of reserved
 9 housing that are developed outside of a community
 10 development district. The rules shall include, but
 11 are not limited to, the establishment of guidelines to
 12 ensure compliance with the above priorities[-]; and

13 (19) Approve, approve with conditions or adjustments, or
 14 deny subdivision requests for real property located
 15 within the Kakaako community development district."

16 SECTION 3. Section 206E-7, Hawaii Revised Statutes, is
 17 amended to read as follows:

18 " ~~[+]~~ §206E-7 ~~[+]~~ **Community development rules.** (a) The
 19 authority shall establish community development rules under
 20 chapter 91 on health, safety, building, planning, zoning, and
 21 land use which, upon final adoption of a community development
 22 plan, shall supersede all other inconsistent ordinances and

1 rules relating to the use, zoning, planning, and development of
 2 land and construction thereon. Rules adopted under this section
 3 shall follow existing law, rules, ordinances, and regulations as
 4 closely as is consistent with standards meeting minimum
 5 requirements of good design, pleasant amenities, health, safety,
 6 and coordinated development. The authority may, in the
 7 community development plan or by a community development rule,
 8 provide that lands within a community development district shall
 9 not be developed beyond existing uses or that improvements
 10 thereon shall not be demolished or substantially reconstructed,
 11 or provide other restrictions on the use of the lands.

12 (b) For the Kakaako community development district, the
 13 authority shall also adopt rules, pursuant to chapter 91, on the
 14 subdivision of lands that, upon adoption, shall supersede all
 15 other inconsistent ordinances and rules relating to the
 16 subdivision of lands in the Kakaako community development
 17 district; provided that the authority may issue interim rules by
 18 directive that shall be exempt from the public notice, public
 19 hearing, and gubernatorial approval requirements of chapter 91
 20 and shall be effective for not more than eighteen months."

21 SECTION 4. Section 206E-35, Hawaii Revised Statutes, is
 22 repealed.



1 ~~["§206E-35] Kakaako makai, plan. In developing,~~
2 ~~accepting, and implementing any plans for the development of the~~
3 ~~Kakaako makai area within the Kakaako community development~~
4 ~~district, the authority shall collaborate with and consider the~~
5 ~~recommendations of the Kakaako makai community planning advisory~~
6 ~~council, established pursuant to house concurrent resolution no.~~
7 ~~30, regular session of 2006, and organized in 2007. Any~~
8 ~~transfer of property in the Kakaako makai area within the~~
9 ~~Kakaako community development district to any state or county~~
10 ~~agency shall be upon the condition that the agency shall be~~
11 ~~required to collaborate with and consider the recommendations of~~
12 ~~the Kakaako makai community planning advisory council in the~~
13 ~~development, acceptance, and implementation of any plan for the~~
14 ~~transferred property. As used in this section, "Kakaako makai"~~
15 ~~means the area within the Kakaako community development district~~
16 ~~that is from the east side of Kewalo basin at the ewa wall of~~
17 ~~Ala Moana Park, to Forrest Avenue, and from Ala Moana Boulevard~~
18 ~~to the ocean."]~~

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 6. This Act shall take effect upon its approval.



Report Title:

HCDA; Kakaako Makai Community Development Subdistrict; Kakaako Community Development District; Kakaako Makai Community Planning Advisory Council

Description:

Establishes the Kakaako makai community development subdistrict. Requires the HCDA to act as the local development authority to facilitate the development of the Kakaako makai community development subdistrict in accordance with the Kakaako makai community development plan and the cultural public market. Adds three members to the HCDA board to represent the Kakaako makai community development subdistrict. Provides the HCDA with subdivision powers over lands and real property within the Kakaako community development district. Repeals the requirement that the HCDA consider recommendations by the Kakaako makai community planning advisory council in developing, accepting, and implementing any plans for the Kakaako makai area. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

