

JAN 21 2011

S.B. NO. 760

A BILL FOR AN ACT

RELATING TO KAKAAKO.

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

1 SECTION 1. The legislature finds that Act 144, Session
2 Laws of Hawaii 2009, was enacted to ensure greater public
3 participation in development decisions relating to the Kakaako
4 makai area. In addition, the Act defined the boundaries of the
5 Kakaako makai area.

6 Much of the testimony relating to the Act focused on a
7 vision for the Kakaako makai area as a community gathering place
8 for the benefit of the general public, where community and
9 culture converge in response to the natural scenic beauty of the
10 green shoreline open space. If the plans for the Kakaako makai
11 area as a public gathering place are to succeed, funding must be
12 identified and dedicated to that purpose.

13 Under section 206E-6, Hawaii Revised Statutes, the Hawaii
14 community development authority is required to develop a
15 district-wide improvement program to identify necessary
16 district-wide public facilities within a community development
17 district, with the cost of providing the public facilities to be



1 assessed against the real property in the community development
2 district specially benefiting from such public facilities.

3 In the case of the Kakaako community development district,
4 the majority of the development activities that might fund these
5 public facilities are confined to the Kakaako mauka area.

6 In addition, in 2010, the senate committee on economic
7 development and technology and the house committee on economic
8 revitalization, business, and military affairs convened an
9 informal small business discussion group to address the most
10 critical issues facing the small business sectors within
11 Hawaii's economy. Representatives from the Chamber of Commerce
12 of Hawaii, construction and trades industries, community
13 nonprofits, the agricultural sector, food and restaurant
14 industries, retailing, the science and technology sector, the
15 commercial transportation industry, and interested stakeholders
16 developed a package of bills that address the most pressing
17 problems facing Hawaii's small business community.

18 The purpose of this Act is to support the findings of the
19 small business working group and recommendations to ensure the
20 public benefit within the overall Kakaako community development
21 district by requiring the cost of providing public facilities in



1 the Kakaako makai area to be assessed as part of a condition of
2 developing real property in the Kakaako mauka area.

3 SECTION 2. Section 206E-33, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§206E-33 Kakaako community development district;
6 development guidance policies. The following shall be the
7 development guidance policies generally governing the
8 authority's action in the Kakaako community development
9 district:

- 10 (1) Development shall result in a community which permits
11 an appropriate land mixture of residential,
12 commercial, industrial, and other uses. In view of
13 the innovative nature of the mixed use approach, urban
14 design policies should be established to provide
15 guidelines for the public and private sectors in the
16 proper development of this district; while the
17 authority's development responsibilities apply only to
18 the area within the district, the authority may engage
19 in any studies or coordinative activities permitted in
20 this chapter which affect areas lying outside the
21 district, where the authority in its discretion
22 decides that those activities are necessary to



1 implement the intent of this chapter. The studies or
2 coordinative activities shall be limited to facility
3 systems, resident and industrial relocation, and other
4 activities with the counties and appropriate state
5 agencies. The authority may engage in construction
6 activities outside of the district; provided that such
7 construction relates to infrastructure development or
8 residential or business relocation activities;
9 provided further, notwithstanding section 206E-7, that
10 such construction shall comply with the general plan,
11 development plan, ordinances, and rules of the county
12 in which the district is located;

13 (2) Existing and future industrial uses shall be permitted
14 and encouraged in appropriate locations within the
15 district. No plan or implementation strategy shall
16 prevent continued activity or redevelopment of
17 industrial and commercial uses which meet reasonable
18 performance standards;

19 (3) Activities shall be located so as to provide primary
20 reliance on public transportation and pedestrian
21 facilities for internal circulation within the
22 district or designated subareas;



- 1 (4) Major view planes, view corridors, and other
2 environmental elements such as natural light and
3 prevailing winds, shall be preserved through necessary
4 regulation and design review;
- 5 (5) Redevelopment of the district shall be compatible with
6 plans and special districts established for the Hawaii
7 Capital District, and other areas surrounding the
8 Kakaako district;
- 9 (6) Historic sites and culturally significant facilities,
10 settings, or locations shall be preserved;
- 11 (7) Land use activities within the district, where
12 compatible, shall to the greatest possible extent be
13 mixed horizontally, that is, within blocks or other
14 land areas, and vertically, as integral units of
15 multi-purpose structures;
- 16 (8) Residential development may require a mixture of
17 densities, building types, and configurations in
18 accordance with appropriate urban design guidelines;
19 integration both vertically and horizontally of
20 residents of varying incomes, ages, and family groups;
21 and an increased supply of housing for residents of
22 low- or moderate-income may be required as a condition



1 of redevelopment in residential use. Residential
2 development shall provide necessary community
3 facilities, such as open space, parks, community
4 meeting places, child care centers, and other
5 services, within and adjacent to residential
6 development;

7 (9) Public facilities within the district shall be
8 planned, located, and developed so as to support the
9 redevelopment policies for the district established by
10 this chapter and plans and rules adopted pursuant to
11 it[-]; provided that the cost of providing public
12 facilities in the Kakaako makai area shall be assessed
13 as part of a condition of developing real property in
14 the Kakaako mauka area."

15 SECTION 3. Section 206E-35, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§206E-35[+] **Kakaako makai; plan.** In developing,
18 accepting, and implementing any plans for the development of the
19 Kakaako makai area within the Kakaako community development
20 district, including provisions for the cost of providing public
21 facilities pursuant to section 206E-33(9), the authority shall
22 collaborate with and consider the recommendations of the Kakaako



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

14 SECTION 4. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

Carol Fukunaga
Erzanne Ann Akelund
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Report Title:

Kakaako; Public Facilities; Provisions for Costs

Description:

Requires the cost of providing public facilities in the Kakaako makai area to be assessed as part of a condition of developing real property in the Kakaako mauka area.

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

