
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 area plan, and the cultural public market pursuant to
17 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) One member from a list of four recommendations
10 provided by the local governing body for the
11 subdistrict; and
12 (2) Two members representing public recreation, cultural,
13 and arts organizations or business interests that have
14 participated in the community master-planning process
15 in the Kakaako makai community development
16 subdistrict."

17 SECTION 2. Section 206E-3, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) The authority shall consist of thirteen voting
20 members. The director of finance, the director of business,
21 economic development, and tourism, the comptroller, and the
22 director of transportation, or their respective designated



1 representatives shall serve as ex officio, voting members. One
2 member shall be appointed by the governor from a list of not
3 less than three prospective appointees submitted by the
4 president of the senate, and one member shall be appointed by
5 the governor from a list of not less than three prospective
6 appointees submitted by the speaker of the house of
7 representatives. Seven members shall be appointed by the
8 governor for staggered terms pursuant to section 26-34; provided
9 that four members shall be appointed at large and, initially,
10 three members, hereinafter referred to as county members, shall
11 be selected from a list of ten prospective appointees
12 recommended by the local governing body of the county in which
13 the initial designated district is situated; and provided
14 further that when vacancies occur in any of the three positions
15 for which the members were selected from a list of county
16 recommendations, the governor shall fill such vacancies on the
17 basis of one from a list of four recommendations, two from a
18 list of seven recommendations, or three from a list of ten
19 recommendations. The list of recommendations shall be made by
20 the local governing body of the county. Of the nine members
21 appointed either by the governor from the lists provided by the
22 president of the senate and speaker of the house, at-large by



1 the governor, or as county members recommended by the local
2 governing body of the county in which the initial designated
3 district is situated, [~~at least two members~~] one member shall be
4 the director of the city and county of Honolulu department of
5 planning and permitting and one member shall represent small
6 businesses and shall be designated as the small business
7 [~~representatives~~] representative on the board whose purpose,
8 among other things, is to vote on matters before the board that
9 affect small businesses. The small business [~~representatives~~]
10 representative shall be [~~owners~~] an owner or an active
11 [~~managers~~] manager of a small business with its principal place
12 of operation located within the physical boundaries of the
13 initial designated district. Notwithstanding section 84-14(a),
14 the small business [~~representatives~~] representative shall not be
15 prohibited from voting on any matter concerning any district
16 under the board's jurisdiction; provided that the matter is not
17 limited to solely benefiting the specific interest of that
18 member and the matter concerns broader interests within the
19 district. If an additional district is designated by the
20 legislature, the total membership of the authority shall be
21 increased as prescribed above by the appointment of three
22 additional members, except as provided for in section 206E-191.



1 Notwithstanding section 92-15, a majority of all members shall
2 constitute a quorum to do business, and the concurrence of a
3 majority of all members shall be necessary to make any action of
4 the authority valid; [~~except~~] provided that, on any matter
5 relating solely to a specific community development district,
6 the members representing districts other than that specific
7 community development district shall neither vote, nor shall
8 they be counted to constitute a quorum, and concurrence shall be
9 required of a majority of that portion of the authority made up
10 of all ex officio voting members, members at large, and county
11 and district members representing the district for which action
12 is being proposed for such action to be valid. All members
13 shall continue in office until their respective successors have
14 been appointed and qualified. Except as herein provided, no
15 member appointed under this subsection shall be an officer or
16 employee of the State or its political subdivisions.

17 For [+]purposes[+] of this section, "small business" means
18 a business which is independently owned and which is not
19 dominant in its field of operation."

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



- 1 "**§206E-4 Powers; generally.** Except as otherwise limited
2 by this chapter, the authority may:
- 3 (1) Sue and be sued;
 - 4 (2) Have a seal and alter the same at pleasure;
 - 5 (3) Make and execute contracts and all other instruments
6 necessary or convenient for the exercise of its powers
7 and functions under this chapter;
 - 8 (4) Make and alter bylaws for its organization and
9 internal management;
 - 10 (5) Make rules with respect to its projects, operations,
11 properties, and facilities, which rules shall be in
12 conformance with chapter 91;
 - 13 (6) Through its executive director appoint officers,
14 agents, and employees, prescribe their duties and
15 qualifications, and fix their salaries, without regard
16 to chapter 76;
 - 17 (7) Prepare or cause to be prepared a community
18 development plan for all designated community
19 development districts;
 - 20 (8) Acquire, reacquire, or contract to acquire or
21 reacquire by grant or purchase real, personal, or
22 mixed property or any interest therein; [tø] own,



1 hold, clear, improve, and rehabilitate[~~r~~] any real,
2 personal, or mixed property acquired; and [~~to~~] sell,
3 assign, exchange, transfer, convey, lease, or
4 otherwise dispose of or encumber the same;

5 (9) Acquire or reacquire by condemnation real, personal,
6 or mixed property or any interest therein for public
7 facilities, including but not limited to streets,
8 sidewalks, parks, schools, and other public
9 improvements;

10 (10) By itself, or in partnership with qualified persons,
11 acquire, reacquire, construct, reconstruct,
12 rehabilitate, improve, alter, or repair or provide for
13 the construction, reconstruction, improvement,
14 alteration, or repair of any project; own, hold, sell,
15 assign, transfer, convey, exchange, lease, or
16 otherwise dispose of or encumber any project, and in
17 the case of the sale of any project, accept a purchase
18 money mortgage in connection therewith; and repurchase
19 or otherwise acquire any project which the authority
20 has theretofore sold or otherwise conveyed,
21 transferred, or disposed of;



- 1 (11) Arrange or contract for the planning, replanning,
2 opening, grading, or closing of streets, roads,
3 roadways, alleys, or other places, or for the
4 furnishing of facilities or for the acquisition of
5 property or property rights or for the furnishing of
6 property or services in connection with a project;
- 7 (12) Grant options to purchase any project or to renew any
8 lease entered into by it in connection with any of its
9 projects, on such terms and conditions as it deems
10 advisable;
- 11 (13) Prepare or cause to be prepared plans, specifications,
12 designs, and estimates of costs for the construction,
13 reconstruction, rehabilitation, improvement,
14 alteration, or repair of any project, and from time to
15 time to modify such plans, specifications, designs, or
16 estimates;
- 17 (14) Provide advisory, consultative, training, and
18 educational services, technical assistance, and advice
19 to any person, partnership, or corporation, either
20 public or private, to carry out the purposes of this
21 chapter, and engage the services of consultants on a



- 1 contractual basis for rendering professional and
2 technical assistance and advice;
- 3 (15) Procure insurance against any loss in connection with
4 its property and other assets and operations in such
5 amounts and from such insurers as it deems desirable;
- 6 (16) Contract for and accept gifts or grants in any form
7 from any public agency or from any other source;
- 8 (17) Do any and all things necessary to carry out its
9 purposes and exercise the powers given and granted in
10 this chapter; [~~and~~]
- 11 (18) Allow satisfaction of any affordable housing
12 requirements imposed by the authority upon any
13 proposed development project through the construction
14 of reserved housing, as defined in section 206E-101,
15 by a person on land located outside the geographic
16 boundaries of the authority's jurisdiction; provided
17 that the authority shall not permit any person to make
18 cash payments in lieu of providing reserved housing,
19 except to account for any fractional unit that results
20 after calculating the percentage requirement against
21 residential floor space or total number of units
22 developed. The substituted housing shall be located



1 on the same island as the development project and
2 shall be substantially equal in value to the required
3 reserved housing units that were to be developed on
4 site. The authority shall establish the following
5 priority in the development of reserved housing:

- 6 (A) Within the community development district;
7 (B) Within areas immediately surrounding the
8 community development district;
9 (C) Areas within the central urban core;
10 (D) In outlying areas within the same island as the
11 development project.

12 The Hawaii community development authority shall
13 adopt rules relating to the approval of reserved
14 housing that are developed outside of a community
15 development district. The rules shall include, but
16 are not limited to, the establishment of guidelines to
17 ensure compliance with the above priorities[-]; and
18 (19) Approve, approve with conditions or adjustments, or
19 deny subdivision requests for real property located
20 within the Kakaako community development district."

21 SECTION 4. Section 206E-7, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "[+]§206E-7[+] Community development rules. (a) The
 2 authority shall establish community development rules under
 3 chapter 91 on health, safety, building, planning, zoning, and
 4 land use which, upon final adoption of a community development
 5 plan, shall supersede all other inconsistent ordinances and
 6 rules relating to the use, zoning, planning, and development of
 7 land and construction thereon. Rules adopted under this section
 8 shall follow existing law, rules, ordinances, and regulations as
 9 closely as is consistent with standards meeting minimum
 10 requirements of good design, pleasant amenities, health, safety,
 11 and coordinated development. The authority may, in the
 12 community development plan or by a community development rule,
 13 provide that lands within a community development district shall
 14 not be developed beyond existing uses or that improvements
 15 thereon shall not be demolished or substantially reconstructed,
 16 or provide other restrictions on the use of the lands.

17 (b) For the Kakaako community development district, the
 18 authority shall also adopt rules, pursuant to chapter 91, on the
 19 subdivision of lands that, upon adoption, shall supersede all
 20 other inconsistent ordinances and rules relating to the
 21 subdivision of lands in the Kakaako community development
 22 district; provided that the authority may issue interim rules by



1 directive, pursuant to chapter 91, that shall be effective for
2 not more than eighteen months."

3 SECTION 5. Section 206E-35, Hawaii Revised Statutes, is
4 repealed.

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



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. 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 area plan and the cultural public market. Adds three members to the HCDA board to represent the Kakaako makai community development subdistrict. Replaces one county member who represents small businesses on the HCDA board with the director of planning and permitting of the city and county of Honolulu. 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. (SD2)

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

