

---

---

# A BILL FOR AN ACT

RELATING TO THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT.

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

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

4           "§206E-       Project eligibility review of infrastructure.

5 The executive director of the authority shall require, prior to  
6 receipt of any application for a development permit, a project  
7 eligibility review of the development project. No application  
8 for a development permit shall be considered until the project  
9 eligibility review has been completed. Developments shall not  
10 be approved unless adequate infrastructure facilities are or  
11 will be made available to service the proposed development prior  
12 to occupancy. The executive director shall obtain approval from  
13 applicable governmental agencies regarding the adequacy of  
14 infrastructure requirements."

15           SECTION 2. Section 206E-5.5, Hawaii Revised Statutes, is  
16 amended to read as follows:

17           "[+]§206E-5.5[+] Community engagement and public notice  
18 requirements; posting on the authority's website; required. (a)



1 The authority shall adopt community and public notice procedures  
2 pursuant to chapter 91 that shall [~~include~~], at a minimum:

3 (1) [~~A means to effectively~~] Effectively engage the  
4 community in which the authority is planning a  
5 development project [~~to ensure that community concerns~~  
6 ~~are received and considered by the authority,~~] by  
7 working with residents and landowners residing within  
8 the community in which the project is located to  
9 ensure that the rules are followed;

10 (2) [~~The~~] Include the posting of the authority's proposed  
11 plans for development of community development  
12 districts, including details of any new proposed  
13 developments; public hearing notices[-]; reports  
14 required under subsection (b) (2); and minutes of its  
15 proceedings on the authority's website; provided that,  
16 if requested, a copy of notices shall be mailed to  
17 property owners and residents in the affected  
18 community; and

19 (3) [~~Any~~] Include any other information that the public  
20 [~~may find useful~~] requests so that it may meaningfully  
21 participate in the authority's decision-making  
22 processes.



1 (b) The authority shall notify the president of the senate  
2 [~~and~~]; speaker of the house[+]; and the state senators, state  
3 representatives, and city councilmembers who represent the  
4 district in which the development project is to be located:

5 (1) Of any public hearing upon posting of the hearing  
6 notice; and

7 (2) With a report detailing the public's [~~reaction at the~~  
8 ~~public hearing,~~] comments and the authority's response  
9 to any concerns raised about the project, within one  
10 week after the public hearing."

11 SECTION 3. Section 206E-5.6, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "[+]§206E-5.6[+] Public hearing for decision-making;  
14 separate hearing required. (a) When rendering a decision  
15 regarding:

16 (1) An amendment to any of the authority's community  
17 development rules established pursuant to chapter 91  
18 and section 206E-7; or

19 (2) The acceptance of a developer's proposal to develop  
20 lands under the authority's control,

1 the authority shall render its decision at a public hearing  
2 separate from the hearing that the proposal under paragraph (1)  
3 or (2) was presented.

4 (b) The authority shall issue a public notice in  
5 accordance with section 1-28.5 and post the notice on its  
6 website; provided that the decision-making hearing shall not  
7 occur earlier than five business days after the notice is  
8 posted. Prior to rendering a decision, the authority shall  
9 ~~[provide the general public with the opportunity to testify]~~  
10 take additional public testimony at its decision-making hearing.

11 (c) The authority shall notify the president of the senate  
12 ~~[and]~~, speaker of the house[-], and the state senators, state  
13 representatives, and city councilmembers who represent the  
14 district in which the proposed project is to be located:

- 15 (1) Of any public hearing upon posting of the hearing  
16 notice; and
- 17 (2) With a report ~~[detailing the public's reaction at the~~  
18 ~~public hearing, within one week after the hearing.]~~  
19 that conforms to the requirements of section 206E-  
20 5.5(b)(2).

21 (d) The authority shall give serious consideration to and  
22 shall respond orally to all concerns raised by the public at the



1 decision-making hearing before the authority makes a decision.  
2 If suggested modifications raised prior to the decision-making  
3 hearing by community members impacted by a proposed project are  
4 not incorporated into the authority's decision to approve the  
5 project, the authority shall explain in detail, both in writing  
6 and orally, the reasons why those modifications have not been  
7 incorporated before issuing a decision to approve the project."

8 SECTION 4. Section 206E-31.5, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "[~~f~~]§206E-31.5[~~h~~] Prohibitions. Anything contained in  
11 this chapter to the contrary notwithstanding, the authority is  
12 prohibited from:

13 (1) Selling or otherwise assigning the fee simple interest  
14 in any lands in the Kakaako community development  
15 district to which the authority in its corporate  
16 capacity holds title, except with respect to:

17 (A) Utility easements;

18 (B) Remnants as defined in section 171-52;

19 (C) Grants to any state or county department or  
20 agency; or

21 (D) Private entities for purposes of any easement,  
22 roadway, or infrastructure improvements; [~~o~~]



1 (2) Approving any plan or proposal for any residential  
2 development in that portion of the Kakaako community  
3 development district makai of Ala Moana boulevard and  
4 between Kewalo Basin and the foreign trade zone[-];

5 and

6 (3) Granting any variance, exemption, or modification to  
7 any provision of any rule or development plan relating  
8 to maximum floor area ratio."

9 SECTION 5. Section 206E-33, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "§206E-33 Kakaako community development district;  
12 development guidance policies. The following shall be the  
13 development guidance policies generally governing the  
14 authority's action in the Kakaako community development  
15 district:

16 (1) Development shall result in a community which permits  
17 an appropriate land mixture of residential,  
18 commercial, industrial, and other uses. In view of  
19 the innovative nature of the mixed use approach, urban  
20 design policies should be established to provide  
21 guidelines for the public and private sectors in the  
22 proper development of this district; while the



1 authority's development responsibilities apply only to  
2 the area within the district, the authority may engage  
3 in any studies or coordinative activities permitted in  
4 this chapter which affect areas lying outside the  
5 district, where the authority in its discretion  
6 decides that those activities are necessary to  
7 implement the intent of this chapter. The studies or  
8 coordinative activities shall be limited to facility  
9 systems, resident and industrial relocation, and other  
10 activities with the counties and appropriate state  
11 agencies. The authority may engage in construction  
12 activities outside of the district; provided that such  
13 construction relates to infrastructure development or  
14 residential or business relocation activities;  
15 provided further, notwithstanding section 206E-7, that  
16 such construction shall comply with the general plan,  
17 development plan, ordinances, and rules of the county  
18 in which the district is located;

- 19 (2) Existing and future industrial uses shall be permitted  
20 and encouraged in appropriate locations within the  
21 district. No plan or implementation strategy shall  
22 prevent continued activity or redevelopment of



- 1 industrial and commercial uses which meet reasonable  
2 performance standards;
- 3 (3) Activities shall be located so as to provide primary  
4 reliance on public transportation and pedestrian  
5 facilities for internal circulation within the  
6 district or designated subareas;
- 7 (4) Major view planes, view corridors, and other  
8 environmental elements such as natural light and  
9 prevailing winds, shall be preserved through necessary  
10 regulation and design review; provided that:
- 11 (i) There shall be a minimum of three hundred  
12 feet between buildings that are one hundred  
13 feet or higher in height;
- 14 (ii) No portion of any building or other  
15 structure shall exceed four hundred feet in  
16 height; and
- 17 (iii) Any building that is at least one hundred  
18 feet in height shall be oriented on a mauka-  
19 makai axis;
- 20 (5) Redevelopment of the district shall be compatible with  
21 plans and special districts established for the Hawaii





- 1 Capital District, and other areas surrounding the  
2 Kakaako district;
- 3 (6) Historic sites and culturally significant facilities,  
4 settings, or locations shall be preserved;
- 5 (7) Land use activities within the district, where  
6 compatible, shall to the greatest possible extent be  
7 mixed horizontally, that is, within blocks or other  
8 land areas, and vertically, as integral units of  
9 multi-purpose structures;
- 10 (8) Residential development [~~may~~] shall require a mixture  
11 of densities [~~7~~] not to exceed a maximum of 3.5 floor  
12 area ratio; building types [~~7~~] and configurations in  
13 accordance with appropriate urban design guidelines;  
14 integration both vertically and horizontally of  
15 residents of varying incomes, ages, and family groups;  
16 and an increased supply of housing for residents of  
17 low- or moderate-income may be required as a condition  
18 of redevelopment in residential use. Residential  
19 development shall provide necessary community  
20 facilities, such as open space, parks, community  
21 meeting places, child care centers, and other



1 services, within and adjacent to residential  
2 development;

3 (9) Public facilities within the district shall be  
4 planned, located, and developed so as to support the  
5 redevelopment policies for the district established by  
6 this chapter and plans and rules adopted pursuant to  
7 it[-]; and

8 (10) Before approving development projects, the authority  
9 shall require comprehensive studies of and plans for  
10 the infrastructure capacity of the sewers, roads,  
11 utilities including water and electricity, schools,  
12 parks, and other requirements to ensure that they meet  
13 the needs generated by the additional number of  
14 anticipated residents and, where improvements are  
15 needed, the authority shall accordingly impose the  
16 necessary impact fees upon the developer."

17 SECTION 6. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20 SECTION 7. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

22 SECTION 8. This Act shall take effect on July 1, 2020.



**Report Title:**

Kakaako Community Development District; Prohibitions

**Description:**

Amends notice and community engagement requirements for Hawaii Community Development Authority meetings and decision making. Amends development guidance requirements, prohibitions, and application procedures for the Kakaako Community Development District. Effective July 1, 2020. (HB1867 HD1)

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

