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S.B. NO.

2016 JAN 28 PM 2:57

**Report Title:**

Kakaako Community Development District; Public Highways

**Description:**

Prohibits the HCDA from approving a developer's community development plan, updated, amended, modified, or revised community development plan, or permit application unless the HCDA and the owner and developer of the affected land enters into a memorandum of understanding in which parties to the memorandum acknowledge the ownership of each public street or highway that is adjacent to the land that is the subject of the community development plan or permit. Provides that the authority accepts ownership of any public street or highway for which ownership is disputed.

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

MISC. COM. 172

SB LRB 16-0363-1.doc



Submitted by Senator Suzanne Chun Oakland, Co-Chair  
Meeting #4 Handout • January 22, 2016  
(KPIF Working Group)

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## A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

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

1           SECTION 1. Section 206E-33, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§206E-33 Kakaako community development district;  
4 development guidance policies. The following shall be the  
5 development guidance policies generally governing the  
6 authority's action in the Kakaako community development  
7 district:

8           (1) Development shall result in a community [~~which~~] that  
9           permits an appropriate land mixture of residential,  
10          commercial, industrial, and other uses. In view of  
11          the innovative nature of the mixed use approach, urban  
12          design policies should be established to provide  
13          guidelines for the public and private sectors in the  
14          proper development of this district; while the  
15          authority's development responsibilities apply only to  
16          the area within the district, the authority may engage  
17          in any studies or coordinative activities permitted in



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1           this chapter [~~which~~] that affect areas lying outside  
2           the district, where the authority in its discretion  
3           decides that those activities are necessary to  
4           implement the intent of this chapter. The studies or  
5           coordinative activities shall be limited to facility  
6           systems, resident and industrial relocation, and other  
7           activities with the counties and appropriate state  
8           agencies. The authority may engage in construction  
9           activities outside of the district; provided that  
10          [~~such~~] the construction relates to infrastructure  
11          development or residential or business relocation  
12          activities; provided further, notwithstanding section  
13          206E-7, that [~~such~~] the construction shall comply with  
14          the general plan, development plan, ordinances, and  
15          rules of the county in which the district is located;  
16          (2) Existing and future industrial uses shall be permitted  
17          and encouraged in appropriate locations within the  
18          district. No plan or implementation strategy shall  
19          prevent continued activity or redevelopment of  
20          industrial and commercial uses [~~which~~] that meet  
21          reasonable performance standards;



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- 1           (3) Activities shall be located so as to provide primary  
2           reliance on public transportation and pedestrian  
3           facilities for internal circulation within the  
4           district or designated subareas;
- 5           (4) Major view planes, view corridors, and other  
6           environmental elements such as natural light and  
7           prevailing winds, shall be preserved through necessary  
8           regulation and design review; provided that no portion  
9           of any building or structure in the Kakaako Mauka area  
10          shall exceed four hundred eighteen feet in height;
- 11          (5) Redevelopment of the district shall be compatible with  
12          plans and special districts established for the Hawaii  
13          Capital District, and other areas surrounding the  
14          Kakaako district;
- 15          (6) Historic sites and culturally significant facilities,  
16          settings, or locations shall be preserved;
- 17          (7) Land use activities within the district, where  
18          compatible, shall to the greatest possible extent be  
19          mixed horizontally, that is, within blocks or other  
20          land areas, and vertically, as integral units of  
21          multi-purpose structures;



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1           (8) Residential development may require a mixture of  
2           densities, building types, and configurations in  
3           accordance with appropriate urban design guidelines;  
4           integration both vertically and horizontally of  
5           residents of varying incomes, ages, and family groups;  
6           and an increased supply of housing for residents of  
7           low- or moderate-income may be required as a condition  
8           of redevelopment in residential use. Residential  
9           development shall provide necessary community  
10          facilities, such as open space, parks, community  
11          meeting places, child care centers, and other  
12          services, within and adjacent to residential  
13          development; [and]

14          (9) Public facilities within the district shall be  
15          planned, located, and developed so as to support the  
16          redevelopment policies for the district established by  
17          this chapter and plans and rules adopted pursuant to  
18          it[-]; and

19          (10) The authority shall not approve a land owner's or  
20          developer's:

21          (A) Community development plan;



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1            (B) Updated, amended, modified, or revised community  
2                    development plan; or  
3            (C) Permit application,  
4                    unless the authority executes a memorandum of  
5                    understanding with the owner and developer of the land  
6                    that is the subject of the community development plan  
7                    or permit, in which all parties to the memorandum  
8                    acknowledge the ownership of each public street or  
9                    highway that is adjacent to the land that is the  
10                   subject of the community development plan or permit;  
11                   provided that the authority shall accept ownership of  
12                   any public street or highway for which ownership is  
13                   disputed."

14            SECTION 2. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16            SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Theranne Crum Oakland

