
A BILL FOR AN ACT

RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

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

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

4 "§206E-A Limited residential development in Kakaako;
5 public hearing prerequisite; height limit; association fee. (a)

6 The authority may approve any plan or proposal for any
7 residential development in Kakaako on any parcels identified as
8 tax map keys 2-1-15-61, 2-1-58-6, 2-1-60-4, 2-1-60-5, and 2-1-
9 60-6; provided that the authorization for residential
10 development pursuant to this section shall apply to each of
11 these land areas even in the event that a parcel's official tax
12 map key number changes; provided further that approval may be
13 granted only after the applicant seeking approval conducts a
14 public hearing held in accordance with subsection (b),
15 notwithstanding hearing procedures under chapter 91.

16 (b) Prior to submission to the authority of any plan or
17 proposal for any residential development pursuant to this
18 section, the applicant seeking approval shall hold a public



1 hearing after notice is published, in accordance with section
2 1-28.5, at least thirty days prior to the hearing. The notice
3 shall include:

- 4 (1) The date, time, and place of the hearing;
- 5 (2) A statement of the topic of the hearing; and
- 6 (3) A description of where, when, and how the residential
7 development proposal may be viewed by the public.

8 All interested persons may submit data or opinions, orally or in
9 writing, in conjunction with the hearing.

10 (c) Prior to submitting to the authority for approval any
11 plan or proposal for residential development pursuant to this
12 section, the applicant for approval shall fully consider all
13 written and oral submissions allowed pursuant to subsection (b)
14 with regard to the proposed residential development.

15 (d) Prior to approving any plan or proposal for
16 residential development pursuant to this section, the authority
17 shall hold a public hearing in accordance with subparagraph (b)
18 of this section.

19 (e) Prior to approving any plan or proposal for
20 residential development, pursuant to this section, the authority
21 shall fully consider all written and oral submissions received
22 at the public hearings held by the applicant and the authority.



1 (f) Any other law to the contrary notwithstanding, the
2 building height limit shall be four hundred feet for residential
3 development pursuant to this section on the parcels identified
4 by tax map keys 2-1-15-61 and 2-1-58-6.

5 **§206E-B Kakaako makai association fee.** The authority
6 shall determine a Kakaako makai association fee to be collected
7 from all residential developments in Kakaako on lands identified
8 in section 206E-A(a); provided that the fee shall be collected
9 from residential owners.

10 **§206E-C Kakaako makai special account.** Kakaako makai
11 association fees collected pursuant to section 206E-B shall be
12 deposited into a special account in the Hawaii community
13 development revolving fund established in section 206E-16.
14 Moneys from the special account shall be used to fund various
15 services and projects, including but not limited to maintenance,
16 improvements, free public parking for park users, public beach
17 access, security, and parks and open spaces, for the Kakaako
18 community development district makai of Ala Moana boulevard and
19 between Kewalo basin and the foreign trade zone. Disbursements
20 from the account shall be made in accordance with procedures
21 adopted by the authority and approved by the director of
22 finance."



1 SECTION 2. Section 206E-12, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§206E-12 Dedication for public facilities as condition to**
4 **development.** The authority shall establish rules requiring
5 dedication for public facilities of land or facilities, or cash
6 payments in lieu thereof, by developers as a condition of
7 developing real property pursuant to the community development
8 plan. Where state and county public facilities dedication laws,
9 ordinances, or rules differ, the provision for greater
10 dedication shall prevail.

11 This section shall not apply to lands identified in section
12 206E-A(a)."

13 SECTION 3. Section 206E-31.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"[+]§206E-31.5[+] Prohibitions.** Anything contained in
16 this chapter to the contrary notwithstanding[+] and except as
17 provided in section 206E-A, the authority is prohibited from:

18 (1) Selling or otherwise assigning the fee simple interest
19 in any lands in the Kakaako community development
20 district to which the authority in its corporate
21 capacity holds title, except with respect to:

22 (A) Utility easements;



- 1 (B) Remnants as defined in section 171-52;
- 2 (C) Grants to any state or county department or
- 3 agency; or
- 4 (D) Private entities for purposes of any easement,
- 5 roadway, or infrastructure improvements; or
- 6 (2) Approving any plan or proposal for any residential
- 7 development in that portion of the Kakaako community
- 8 development district makai of Ala Moana boulevard and
- 9 between Kewalo [~~Basin~~] basin and the foreign trade
- 10 zone."

11 SECTION 4. In codifying the new sections added by section
12 1 of this Act, the revisor of statutes shall substitute
13 appropriate section numbers for the letters used in designating
14 the new sections in this Act.

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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



Report Title:

Hawaii Community Development Authority; Residential Development

Description:

Authorizes residential development on certain specified parcels of land owned by the Office of Hawaiian Affairs in Kakaako. Requires applicants for residential development to hold a public hearing regarding a plan or proposal for residential development in Kakaako and consider all written and oral submissions from the hearing prior to submitting the plan or proposal to HCDA for approval. Requires HCDA to hold a public hearing and fully consider all written and oral submissions received at the hearings held by the applicant and the HCDA prior to approving any plan or proposal for residential development. Establishes a Kakaako makai association fee and Kakaako makai special account to fund various public services and projects in Kakaako. Exempts the Office of Hawaiian Affairs from section 206E-12, regarding the dedication of public facilities by developers as a condition of development in Kakaako. (SD1)

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

