

JAN 24 2007

A BILL FOR AN ACT

RELATING TO COMMUNITY DEVELOPMENT.

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

1 SECTION 1. The legislature finds that the Ala Wai boat
2 harbor is in an extremely deteriorated condition, with major
3 portions of some docks that are unusable and threatening to fall
4 into the water. For years boating enthusiasts using the
5 facilities and the resident live-in boaters have all complained
6 about the deleterious conditions of the facilities. For years,
7 there have been calls for the increase in docking and mooring
8 fees to be used to address these conditions. To date, the
9 department of land and natural resources has failed to address
10 these concerns.

11 The legislature finds that there is a need for the
12 replanning, renewal, and redevelopment of the Ala Wai boat
13 harbor and the appurtenant surrounding fast lands.

14 The purpose of this Act is to:

15 (1) Establish the Ala Wai community development district;

16 (2) Establish development guidance policies for the

17 development of the Ala Wai community development plan;



1 (3) Develop, distribute, and accept requests for proposal
2 for the private redevelopment of the Ala Wai community
3 development district; and

4 (4) Withdraw the Ala Wai boat harbor from the department
5 of land and natural resources and set it aside to the
6 Hawaii community development authority.

7 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is
8 amended by adding a new part to be appropriately designated and
9 to read as follows:

10 "PART . ALA WAI COMMUNITY DEVELOPMENT DISTRICT

11 §206E-A District established; boundaries. The Ala Wai
12 community development district is established. The district
13 shall include that area within the boundaries described as
14 follows: beginning at the shoreline at the southwest corner of
15 TMK: first division, 2-3-037:012 and running along its westerly
16 boundary in a northerly direction until it intersects with the
17 southwest corner of TMK: first division, 2-3-037:004, then along
18 the northerly boundary of that parcel and the northerly boundary
19 of TMK: first division, 2-3-037:006, then along the westerly
20 boundary of TMK: first division, 2-3-037:002 until it intersects
21 with Ala Moana boulevard, then along the southerly boundary of
22 Ala Moana boulevard until it intersects with Holomoana street,



1 then along the southerly boundary of Holomoana street, then
2 along the easterly boundary of TMK: first division, 2-3-037:012
3 to the ocean, and along the southerly boundary of that parcel to
4 the point of beginning, including all parcels within those
5 boundaries, including but not limited to TMK: first division, 2-
6 3-037:2, 4, 6, 13, 20, 24, 27, and 31 through 35.

7 **§206E-B Development guidance policies.** The following
8 shall be the development guidance policies generally governing
9 the authority's action in the development of a community
10 development plan for the Ala Wai community development district:

- 11 (1) Planning shall ensure the optimum compatible uses and
12 activities of recreational users of the district along
13 with resident live-in boaters of the district;
- 14 (2) Planning and development of the district shall be done
15 in coordination with the planning and development of
16 Kewalo basin to ensure the complementary redevelopment
17 and operation of both harbors, one an essentially
18 commercial harbor and the other a recreational harbor;
- 19 (3) Commercial uses shall be provided for in the district,
20 including but not limited to restaurants, retail
21 shops, maritime and fishing supply shops, and private
22 club facilities;



- 1 (4) Industrial uses in the district shall be limited to a
2 marine fuel supply facility;
- 3 (5) An interior road system and adequate parking shall be
4 provided;
- 5 (6) Continued and close coordination shall be maintained
6 with the city and county of Honolulu to ensure
7 provision of adequate infrastructure to serve the
8 district;
- 9 (7) Building envelopes shall be developed to allow
10 commercial development in the district along Ala Moana
11 boulevard, while preserving the major view corridor of
12 the district and the shoreline from Ala Moana
13 boulevard;
- 14 (8) Provisions shall be made to ensure the continued use
15 of the district, including the submerged lands in the
16 district, the adjacent shoreline, and offshore waters
17 for recreational use by sailing students, canoe
18 paddlers, surfers, and swimmers; and
- 19 (9) Redevelopment of the district shall be compatible with
20 the surrounding area, including the Hawaii convention
21 center, Ala Wai canal, and the lagoon in TMK: first
22 division, 2-3-037:21.



1 **§206E-C Adoption of community development plan; request**
2 **for proposals for private development.** (a) Pursuant to section
3 206E-5, the authority shall develop and adopt the Ala Wai
4 community development plan for the district.

5 (b) Upon the adoption of the community development plan,
6 the authority shall develop, distribute, and accept requests for
7 proposals from qualified private entities for plans to develop
8 and operate the district in accordance with the community
9 development plan for the district. This request for proposals
10 process may be done separately from or in conjunction with any
11 request for proposals for the redevelopment of Kewalo basin.

12 **§206E-D Operations of the district prior to redevelopment;**
13 **transfer; proceeds on development.** (a) The operation and
14 management of the Ala Wai boat harbor shall be the continued
15 responsibility of the department of land and natural resources
16 until a proposal for the redevelopment of the district is
17 accepted.

18 (b) Upon the acceptance of a proposal for development and
19 prior to the execution of a development agreement and long-term
20 lease for the development and operation of the district, the
21 governor shall withdraw the district from the department of land
22 and natural resources and set it aside to the authority.



1 (c) Upon the execution of a development agreement and
2 long-term lease, the responsibility for the continued operation
3 and maintenance of the Ala Wai boat harbor during the
4 redevelopment of the district shall be the responsibility of the
5 selected private developer.

6 (d) Following the transfer of the responsibility for
7 operating and managing the Ala Wai boat harbor to the private
8 developer, any and all proceeds, including but not limited to
9 development fees, lease premiums, and lease rents, from the
10 development agreement and the long-term lease shall be deposited
11 into the Hawaii community development revolving fund. The
12 authority shall be reimbursed for all costs and expenses it
13 incurred in the development of the community development plan,
14 the request for proposals process, preparation and execution of
15 the development agreement and long-term lease, the overseeing of
16 the redevelopment of the district, and the continued management
17 of the long-term lease for the district, including a pro rata
18 share of its administrative overhead allocable to these tasks.
19 All excess moneys in the Hawaii community development revolving
20 fund derived from the Ala Wai community development district
21 shall be deposited into the boating special fund."



1 SECTION 3. Upon the execution of an executive order by the
 2 governor withdrawing the Ala Wai boat harbor from the department
 3 of land and natural resources and setting it aside to the Hawaii
 4 community development authority, all appropriations, records,
 5 equipment, machines, files, supplies, contracts, books, papers,
 6 documents, maps, and other personal property heretofore made,
 7 used, acquired, or held by the department of land and natural
 8 resources relating to the functions transferred to the Hawaii
 9 community development authority shall be transferred with the
 10 functions to which they relate.

11 SECTION 4. In codifying the new sections added by section
 12 2 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. This Act shall take effect upon its approval.
 16

INTRODUCED BY: *[Signature]*
[Signature]
[Signature]



Report Title:

Hawaii Community Development Authority; Ala Wai Boat Harbor

Description:

Establishes the Ala Wai community development district. Provides development objectives and guidelines. Provides for request for proposals for the private redevelopment and operation of Ala Wai boat harbor. Transfers Ala Wai boat harbor from department of land and natural resources to Hawaii community development authority.

