

JAN 25 2012

# A BILL FOR AN ACT

RELATING TO COMMUNITY DEVELOPMENT.

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

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

**"PART . HALAWA COMMUNITY DEVELOPMENT DISTRICT**

**206E- District established; boundaries.** (a) The Halawa community development district is established.

(b) The district shall include the one hundred four acres of land upon which the aloha stadium is situated and appurtenant thereto; provided that the control of the stadium facility and any events conducted therein shall remain under the jurisdiction of the stadium authority established pursuant to section 109-1.

**§206E- Prohibitions.** Anything contained in this chapter to the contrary notwithstanding, the authority is prohibited from selling or otherwise assigning the fee simple interest in any lands in the Halawa community development district to which the authority in its corporate capacity holds title, except with respect to:

(1) Utility easements;



(2) Remnants as defined in section 171-52;

(3) Grants to any state or county department or agency; or

(4) Private entities for purposes of any easement,  
roadway, or infrastructure improvements.

**§206E- Halawa community development district;**  
**development guidance policies.** The following shall be the  
development guidance policies generally governing the  
authority's action in the Halawa community development district:

(1) Development shall result in a community that permits  
an appropriate land mixture of residential,  
commercial, industrial, and other uses. In view of  
the innovative nature of the mixed use approach, urban  
design policies should be established to provide  
guidelines for the public and private sectors in the  
proper development of this district; while the  
authority's development responsibilities apply only to  
the area within the district, the authority may engage  
in any studies or coordinative activities permitted in  
this chapter that affect areas lying outside the  
district, where the authority in its discretion  
decides that those activities are necessary to  
implement the intent of this part. The studies or



1 coordinative activities shall be limited to facility  
2 systems, resident and industrial relocation, and other  
3 activities with the counties and appropriate state  
4 agencies. The authority may engage in construction  
5 activities outside of the district; provided that the  
6 construction relates to infrastructure development or  
7 residential or business relocation activities;  
8 provided further, notwithstanding section 206E-7, that  
9 any construction shall comply with the general plan,  
10 development plan, ordinances, and rules of the county  
11 in which the district is located;

12 (2) Existing and future industrial uses shall be permitted  
13 and encouraged in appropriate locations within the  
14 district. No plan or implementation strategy shall  
15 prevent continued activity or redevelopment of  
16 industrial and commercial uses that meet reasonable  
17 performance standards;

18 (3) Activities shall be located to provide primary  
19 reliance on public transportation and pedestrian  
20 facilities for internal circulation within the  
21 district or designated subareas;



1       (4) Major view planes, view corridors, and other  
2           environmental elements such as natural light and  
3           prevailing winds, shall be preserved through necessary  
4           regulation and design review;

5       (5) Historic sites and culturally significant facilities,  
6           settings, or locations shall be preserved;

7       (6) Land use activities within the district, where  
8           compatible, to the greatest possible extent, shall be  
9           mixed horizontally, that is, within blocks or other  
10          land areas, and vertically, as integral units of  
11          multi-purpose structures;

12      (7) Residential development may require a mixture of  
13          densities, building types, and configurations in  
14          accordance with appropriate urban design guidelines;  
15          integration both vertically and horizontally of  
16          residents of varying incomes, ages, and family groups;  
17          and an increased supply of housing for residents of  
18          low- or moderate-income may be required as a condition  
19          of redevelopment in residential use. Residential  
20          development shall provide necessary community  
21          facilities, such as open space, parks, community  
22          meeting places, child care centers, and other



services, within and adjacent to residential development; and

(8) Public facilities within the district shall be planned, located, and developed so as to support the redevelopment policies for the district established by this chapter and plans and rules adopted pursuant to it.

(c) The authority shall serve as the local redevelopment authority of the district. In addition to any other of its duties under this chapter, the authority shall:

(1) Consult with the following persons and entities:

(A) Recorded landowners in the district;

(B) The stadium authority; and

(C) Aliamanu, Salt Lake, and Foster Village neighborhood boards

to implement activities related to and supportive of cultural practices, education, and natural-resource restoration and management;

(2) Assist land users to manage their properties and implement activities related to and supportive of cultural practices, education, and natural-resource restoration and management;



(3) Work with federal, state, county, and other agencies to ensure that infrastructural support is provided for the district; and

(4) Develop the infrastructure necessary to support the implementation of the Halawa community development district master plan.

(c) Three additional voting members, except as otherwise provided in this subsection, shall be appointed to the authority by the governor pursuant to section 26-34 to represent the district. These three members shall be considered in determining quorum and majority only on issues relating to the district and may vote only on issues related to the district."

SECTION 2. (a) The stadium authority is directed to transfer title, control, and custody of the parcel of land identified as Tax Map Key to the Hawaii community development authority.

(b) The Hawaii community development authority is directed to assume management authority over the lands transferred by this Act.

SECTION 3. All deeds, leases, contracts, loans, agreements, permits, or other documents executed or entered into by or on behalf of the stadium authority pursuant to the



1 provisions of the Hawaii Revised Statutes, applicable to the  
2 lands that are being transferred pursuant to this Act shall  
3 remain in full force and effect, unless affirmatively amended by  
4 the appropriate agency, under due process. Upon the effective  
5 date of this Act, every reference to the stadium authority  
6 applicable to the lands, but not to the stadium facility or any  
7 operations, maintenance, events, or other activities that occur  
8 within the actual stadium facility insofar as it is practical to  
9 achieve, that are being transferred pursuant to this Act shall  
10 be construed as a reference to the Hawaii community development  
11 authority.

12 SECTION 4. All rights, powers, functions, and duties of  
13 the stadium authority relating to the lands, but not to the  
14 stadium facility or any operations, maintenance, events, or  
15 other activities that occur within the actual stadium facility  
16 insofar as it is practical to achieve, that are being  
17 transferred pursuant to this Act are transferred to the Hawaii  
18 community development authority.

19 SECTION 5. During the time between the enactment of this  
20 Act and its effective date, the stadium authority shall make no  
21 decisions on deeds, leases, contracts, loans, agreements,  
22 permits or other documents relating to the lands that are being



transferred pursuant to this Act unless the Hawaii community development authority concurs.

SECTION 6. If any part of this Act is found to be in conflict with federal requirements that are a prescribed condition for the allocation of federal funds to the State, the conflicting part of this Act shall be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this Act in its application to the agencies concerned. The rules in effect as a result of this Act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the State or the city and county of Honolulu.

SECTION 7. This Act shall take effect upon its approval; provided that the transfer of lands described in this Act shall be executed on July 1, 2013, to allow for budgetary adjustments, rule changes, and other transition actions.

INTRODUCED BY: \_\_\_\_\_

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# S.B. NO. 2918

**Report Title:**

Community Development; HCDA; Aloha Stadium; Halawa Community Development District

**Description:**

Transfers the property around aloha stadium to the HCDA.  
Establishes the Halawa community development district.

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