

JAN 23 2014

A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

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

PART I

SECTION 1. Act 134, Session Laws of Hawaii 2013, is amended by amending section 3, program heading A (economic development), item No. 23, program ID BED150 Hawaii community development authority, to read as follows:

"23. BED150 - HAWAII COMMUNITY DEVELOPMENT AUTHORITY

		2.00*	[2.00*]	0*
OPERATING	BED	1,086,818W	[1,086,818W]	0
INVESTMENT CAPITAL	BED	2,155,000C	[2,555,000C]	0"

PART II

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

"§206E- Development standards; separation; floor area ratio. (a) Notwithstanding any law to the contrary, the minimum horizontal separation between each building that is more than one hundred feet in height shall be three hundred feet. (b) Notwithstanding any law to the contrary, the maximum floor area ratio for any building shall be 1.5.



1 (c) For the purposes of this section:

2 "Floor area" means the sum of the gross horizontal areas of
3 all floors of a building, including interior balconies and
4 mezzanines, measured from the exterior face of exterior walls or
5 from the centerline of a wall separating two structures. The
6 term includes the area of roofed porches or lanai having more
7 than one wall and of accessory structures on the same lot. The
8 term does not include stairwells, elevator shafts, parking
9 facilities, loading spaces, and driveways.

10 "Floor area ratio" means the ratio of the total building
11 floor area as expressed in square feet to the total land area as
12 expressed in square feet. Floor area ratio is determined by
13 dividing the total floor area on a development lot by the lot
14 area of the development lot.

15 §206E- Citizen suits. (a) Any person, acting as a
16 private attorney general, may commence a civil suit on the
17 person's behalf against the authority if the authority has
18 failed to perform any act or duty required under this part.

19 (b) The circuit courts shall have jurisdiction to:

20 (1) Enforce this part;

21 (2) Order the authority to perform any act or duty

22 required under this part; and



1 (3) Apply any appropriate civil penalties.

2 (c) No action may be commenced prior to sixty days after
3 the plaintiff has given written notice of the alleged violation
4 to the authority.

5 (d) Any suit brought pursuant to this section shall be
6 brought in the judicial circuit in which the violation occurred
7 or is occurring.

8 (e) Nothing in this section shall be construed to restrict
9 any right that any person may have under any constitutional
10 provision, statute, or common law to seek any other relief."

11 SECTION 3. Section 206E-7, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "~~[+]§206E-7[+]~~ **Community development rules.** The authority
14 shall establish community development rules under chapter 91 on
15 health, safety, building, planning, zoning, and land use, which,
16 upon final adoption of a community development plan, shall
17 ~~[supersede]~~ comply with all other ~~[inconsistent]~~ laws,
18 ordinances, and rules relating to the use, zoning, planning, and
19 development of land and construction thereon~~[. Rules adopted~~
20 ~~under this section shall follow existing law, rules, ordinances,~~
21 ~~and regulations as closely as is]~~ and be consistent with
22 standards meeting minimum requirements of good design, pleasant



1 amenities, [~~health, safety,~~] and coordinated development. The
2 authority [~~may~~], in the community development plan or by a
3 community development rule, may provide that lands within a
4 community development district shall not be developed beyond
5 existing uses or that improvements thereon shall not be
6 demolished or substantially reconstructed, or provide other
7 restrictions on the use of the lands."

8 PART III

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on June 30, 2014.

12 INTRODUCED BY: 



S.B. NO. 3028

Report Title:

HCDA; Budget; Kakaako; Building Standards; Citizen Suits; Rules

Description:

Eliminates the operating budget for the HCDA for FY 2014-2015. Requires a minimum horizontal separation of 300 feet between each building in the Kakaako community development district that is more than 100 feet in height. Establishes a maximum floor area ratio of 1.5 for any building in the Kakaako community development district. Authorizes citizen suits against the HCDA for violations of its required duties. Requires rules established by the HCDA to comply with all laws, ordinances, and rules.

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

