
A BILL FOR AN ACT

RELATING TO WAIAKEA PENINSULA REDEVELOPMENT.

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

1 SECTION 1. The legislature finds that the State has a
2 fiduciary duty to manage state lands in the best interests of
3 the public by enhancing state revenues and promoting social,
4 environmental, and economic well-being of Hawaii's people. East
5 Hawaii, including the notable Banyan drive area, remains as the
6 center of tourism for the island of Hawaii, and many
7 improvements to infrastructure and key resources are necessary
8 to revitalize the region as an economic hub. While the Banyan
9 drive area includes several hotels, condominiums, restaurants,
10 and retail buildings that comprise the economic district, some
11 establishments have faced recent financial distress and
12 closures, leading to the decline in economic activities and
13 opportunities in that economic hub.

14 The legislature further finds that the deterioration and
15 decline of key areas for economic growth and tourism impacts the
16 economic, social, and community opportunities of the entire
17 State. The rejuvenation of public lands located on the Waiakea



1 peninsula on the island of Hawaii is in the best interest of the
2 general public and constitutes a valid public purpose.

3 Therefore, the purpose of this Act is to establish the
4 Waiakea peninsula on the island of Hawaii as a redevelopment
5 district and establish:

- 6 (1) Policies for the management of lands in the
7 redevelopment district;
- 8 (2) A plan for the district, including district-wide
9 improvements, that is coordinated with state and
10 county land use and planning policies; and
- 11 (3) Asset and property management concepts that will
12 optimize income from the properties and evolve in
13 response to changing principles of property
14 administration.

15 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
16 amended by adding a new part to be appropriately designated and
17 to read as follows:

18 "PART . WAIAKEA PENINSULA PUBLIC LANDS REDEVELOPMENT

19 §171-A Definitions. As used in this part, unless the
20 context requires otherwise:

21 "Board" means the board of land and natural resources.



1 "Department" means the department of land and natural
2 resources.

3 "Premises" means the property that is being leased or
4 rented in the Waiakea peninsula redevelopment district.

5 "Public facilities" includes streets and highways, storm
6 drainage systems, water systems, street lighting systems, off-
7 street parking facilities, and sanitary sewerage systems.

8 "Waiakea peninsula redevelopment district" means the area
9 of public lands designated for redevelopment pursuant to section
10 171-B.

11 "Waiakea redevelopment planning committee" or "committee"
12 means the planning committee established for the Waiakea
13 peninsula redevelopment district pursuant to section 171-C.

14 **§171-B Waiakea peninsula redevelopment district;**
15 **boundaries.** (a) The legislature designates the public lands on
16 the Waiakea peninsula on the island of Hawaii classified as
17 commercial and industrial; hotel, apartment, and motel; or
18 resort use pursuant to section 171-10 as the Waiakea peninsula
19 redevelopment district.

20 (b) The Waiakea peninsula redevelopment district shall
21 include the area bounded by the shoreline from the intersection



1 of Lihiwai street and Kamehameha avenue; Kamehameha avenue to
2 its intersection with Kalanianaʻole avenue; Kalanianaʻole avenue
3 to its intersection with Banyan way; Banyan way from its
4 intersection with Kalanianaʻole avenue to its intersection with
5 Banyan drive; from the intersection of Banyan way and Banyan
6 drive to the shoreline; the shoreline around the Waiakea
7 peninsula, including Mokuola island, to the intersection of
8 Lihiwai street and Kamehameha avenue.

9 §171-C Waiakea redevelopment planning committee; members;
10 district administrator; repeal. (a) A redevelopment planning
11 committee for the Waiakea peninsula redevelopment district shall
12 be established within the department for administrative
13 purposes.

14 (b) The committee shall be an advisory committee for the
15 Waiakea peninsula redevelopment district and shall consist of
16 the following nine voting members:

17 (1) The chairperson of the board of land and natural
18 resources;

19 (2) The director of planning of the county of Hawaii, or
20 their designated representatives, who shall be ex
21 officio, voting members; and



1 (3) Seven members of the public appointed by the governor
2 pursuant to section 26-34; provided that of the
3 members appointed pursuant to this paragraph:

4 (A) Two members shall be selected from a list of
5 three names for each nomination submitted by the
6 president of the senate, and two members shall be
7 selected from a list of three names for each
8 nomination submitted by the speaker of the house
9 of representatives, in collaboration with the
10 legislators from the county of Hawaii; provided
11 further that the governor shall select a name no
12 later than _____ days after receipt of each list;

13 (B) One member shall represent the business sector of
14 the county of Hawaii;

15 (C) One member shall have experience and expertise in
16 the area of Hawaiian cultural practices; and

17 (D) One member shall be a resident of the county of
18 Hawaii;

19 provided further that the governor shall appoint the
20 members in subparagraphs (B) to (D) no later than



1 days after designation of the redevelopment

2 district; and

3 (4) The seven members of the public shall be selected on
4 the basis of their knowledge, experience, and
5 expertise in one of the following areas:

6 (A) Management of small or large businesses;

7 (B) Economics, banking, investment, or finance;

8 (C) Real estate development;

9 (D) Marketing;

10 (E) Regenerative tourism practices;

11 (F) Hawaiian cultural practices; or

12 (G) Hotel and resort management;

13 provided further that of the seven members of the
14 public, at least three members shall be residents of
15 the county of Hawaii and all members shall be
16 residents of the State.

17 (c) The committee shall elect its chairperson from among
18 its members of the public.

19 (d) The members of the committee shall serve without
20 compensation but shall be reimbursed for reasonable expenses,
21 including travel expenses, incurred in the performance of their



1 duties. This subsection shall not be construed to prohibit the
2 ex officio members of the committee from receiving their
3 salaries and wages for their work as public officials.

4 (e) The committee shall appoint a district administrator,
5 who shall be the chief executive officer for the Waiakea
6 peninsula redevelopment district. The district administrator
7 shall have expertise in engineering, planning, architecture,
8 real estate, or law. The committee shall set the district
9 administrator's duties, responsibilities, holidays, vacations,
10 leaves, hours of work, and working conditions. The committee
11 shall set the salary of the district administrator, who shall
12 serve at the pleasure of the committee and shall be exempt from
13 chapter 76.

14 (f) The committee shall be dissolved upon the completion
15 of the redevelopment project. Upon dissolution, all
16 appropriations, records, equipment, machines, files, supplies,
17 contracts, books, papers, documents, maps, and other personal
18 property held by the Waiakea redevelopment planning committee
19 shall be transferred to the department.



1 §171-D Powers and duties; generally; exemption from
2 administrative supervision of boards and commissions. The
3 committee shall have the following powers and duties:

4 (1) Through its district administrator, appoint staff and
5 employees, prescribe their duties and qualifications,
6 and fix their salaries, without regard to chapter 76;

7 (2) Through its district administrator:

8 (A) Allocate space or spaces that are to be occupied
9 by the committee and appropriate staff; and

10 (B) Purchase necessary supplies, equipment, or
11 furniture;

12 (3) Prepare a redevelopment plan for the Waiakea peninsula
13 redevelopment district;

14 (4) Prepare or cause to be prepared plans, design
15 criteria, landscaping, and estimates of costs for the
16 construction, rehabilitation, repair, or destruction
17 of any project contained in the redevelopment plan,
18 and from time to time to modify the plans or
19 estimates;

20 (5) Conduct studies in conjunction with county and state
21 agencies necessary to determine the appropriate



1 activities for redevelopment in the Waiakea peninsula
2 redevelopment district;

3 (6) Work closely and communicate with the county to
4 coordinate the execution of the Waiakea peninsula
5 redevelopment district's planning, incremental
6 projects, work schedules, public works, and budget;

7 (7) Sue or be sued;

8 (8) Adopt a seal and alter the same at its pleasure; and

9 (9) Do any and all things necessary to carry out its
10 purposes and exercise the powers given and granted in
11 this part.

12 §171-E District redevelopment plan. (a) The committee
13 shall prepare a redevelopment plan for the Waiakea peninsula
14 redevelopment district, including district development policies,
15 the district improvement program, necessary public facilities,
16 and the development guidelines and proposed rules for the
17 Waiakea peninsula redevelopment district. In carrying out its
18 planning activities, the committee shall comply with chapter
19 205A and applicable county building and zoning ordinances.



1 (b) In preparing a redevelopment plan for the Waiakea
2 peninsula redevelopment district, the following guidelines shall
3 govern the committee's actions:

4 (1) Development of a community according to design
5 policies that promote the appropriate mixture of uses
6 that respond to the social, economic, and physical
7 needs of the residents of the county of Hawaii and the
8 district's businesses; and

9 (2) Recognition of the visitor industry as the primary
10 commercial use of the district and promotion of
11 development and design concepts that preserve
12 environmental elements such as view planes, enhance
13 historical and cultural assets, and are sensitive to
14 the impact on adjacent residential, commercial,
15 industrial, and other uses.

16 (c) The committee shall prepare a redevelopment plan for
17 the Waiakea peninsula redevelopment district that:

18 (1) Establishes, if applicable, areas principally for:
19 (A) Commercial activities;



- 1 (B) Processing, construction, deconstruction,
2 manufacturing, transportation, wholesaling,
3 storage, and similar industrial activities;
- 4 (C) Resort and hotel activities, including uses that
5 provide facilities and services for visitors; and
- 6 (D) Public facilities and recreational facilities,
7 with detailed standards for height, bulk, size,
8 and location of buildings;
- 9 (2) Includes a district-wide improvement program for
10 necessary district-wide public facilities within the
11 Waiakea peninsula redevelopment district;
- 12 (3) Includes plans, specifications, and estimates of the
13 costs for the development, construction,
14 deconstruction, reconstruction, or improvement of any
15 project in the Waiakea peninsula redevelopment
16 district, and from time to time modify the plans,
17 specifications, or estimates;
- 18 (4) If possible, identifies specific uses for areas in the
19 Waiakea peninsula redevelopment district and the
20 required parceling of land into minimum size areas
21 related to the specific uses;



- 1 (5) Determines the lease rental that should be established
2 for the specific uses and the terms and conditions of
3 the leases;
- 4 (6) Establishes interim development controls to be
5 implemented during the transition to the execution of
6 the provisions of the redevelopment plan, such as
7 recommending the holdover of a lessee pursuant to
8 section 171-40 or issuance of permits pursuant to
9 section 171-55 to existing lessees upon the expiration
10 of their lease terms; and
- 11 (7) Allows the use of land or any building existing on the
12 date the redevelopment plan is adopted to continue as
13 a nonconforming use; provided that the nonconforming
14 building shall not be replaced, expanded, or changed
15 to another nonconforming use.
- 16 (d) The redevelopment plan may provide for the withdrawal
17 or taking for public purposes of public land or portion of
18 public land under a lease.
- 19 (e) The committee shall submit the redevelopment plan to
20 the board for approval. The board shall review the
21 redevelopment plan to approve, disapprove, or modify. Upon



1 approval by the board, the board shall act to implement the
2 redevelopment plan in a timely manner.

3 (f) Prior to submission to the board for adoption, the
4 committee shall hold a public hearing on a proposed
5 redevelopment plan for the Waiakea peninsula redevelopment
6 district and shall consider the comments received and
7 incorporate any revisions to the plan that may be necessary.

8 (g) Effective upon adoption of the redevelopment plan, any
9 proposal, including leases, submitted to the board in
10 furtherance of the execution of the redevelopment plan not acted
11 upon within one year of the submission date shall be deemed
12 approved.

13 (h) Beginning _____ years after the date the Waiakea
14 peninsula redevelopment district is established, the board shall
15 submit a report of its findings and recommendations, including
16 any proposed legislation, to the legislature no later than
17 twenty days prior to the convening of the regular session
18 of _____."

19 SECTION 3. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ _____ or so
21 much thereof as may be necessary for fiscal year 2022-2023 for



1 the establishment and operations of the Waiakea redevelopment
2 planning committee, including hiring of staff.

3 The sum appropriated shall be expended by the department of
4 land and natural resources for the purposes of this Act.

5 SECTION 4. In codifying the new sections added by section
6 2 of this Act, the revisor of statutes shall substitute
7 appropriate section numbers for the letters used in designating
8 the new sections in this Act.

9 SECTION 5. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 6. If any provision of this Act, or the
13 application thereof to any person or circumstance, is held
14 invalid, the invalidity does not affect other provisions or
15 applications of the Act that can be given effect without the
16 invalid provision or application, and to this end the provisions
17 of this Act are severable.

18 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Waiakea Peninsula; Redevelopment; Revolving Fund; Appropriation

Description:

Establishes the Waiakea Peninsula Redevelopment District and Waiakea Redevelopment Planning Committee for the redevelopment of public lands on the Waiakea Peninsula. Makes an appropriation. Takes effect 7/1/2050. (SD1)

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