



**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

**OAHU**

REQUEST FOR APPROVAL TO FURTHER AMEND THE DECLARATION OF  
CONDOMINIUM PROPERTY REGIME OF THE FISHING VILLAGE, ADJACENT  
TO PIERS 36, 37, AND 38, AT HONOLULU HARBOR

**LEGAL REFERENCE:**

Sections 171-6 and 171-11, Hawaii Revised Statutes (HRS), as amended; and Chapter  
514A, HRS.

**APPLICANT:**

Department of Transportation, Harbors Division (DOT Harbors), with the consent of the  
association of owners of the Fishing Village (FV) and the unit owners.

**CHARACTER OF USE (REQUEST):**

To allow Applicant (in accordance with the condominium documents) to amend the  
Declaration of Condominium Property Regime (CPR) of the FV condominium project.  
The amendment is to modify the CPR to: a) convert two (2) condominium units to  
limited common elements, and b) facilitate and support the State's construction of a  
respite center unit (RCU) for crew members of the fishing fleets at Piers 36-38.

**LOCATION:**

Portion of Governmental Lands situated adjacent to Piers 36, 37, and 38,  
Honolulu Harbor, Kapalama, Oahu, Tax Map Key No. (1) 1-5-34 and 42, Governor's  
Executive Order Nos. 1346 and 4092.

**AREA: See attached Exhibit A**

Approximately 24.138 acres

**CONSIDERATION:**

None

**ZONING:**

State Land Use District:	Urban
City and County of Honolulu	I-3 (Waterfront Industrial)

**TERM:**

Not applicable

**COMMENCEMENT DATE:**

As determined by agreement between the Board of the Association of Owners of the FV and the Director of Transportation.

**TRUST LAND STATUS:**

Subsection 5(a) land of the Hawaii Admissions Act (non-ceded).

**CURRENT USE STATUS:**

On June 27, 2006, the State created a condominium project to be known as the "Fishing Village" to convert lands formerly used as fuel storage for maritime use. Currently, the FV has sixteen (16) units, of which seven (7) are currently leased. Current lessees are United Fishing Agency, Pacific Ocean Producers, Fresh Island Fish, and Hawaiian Ice.

**LAND TITLE STATUS:**

Acquired by the DOT Harbors, through eminent domain proceedings by issuance of Governor's Executive Order Nos. 1346 and 4092.

**CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:**

A Finding of No Significant Impact was filed with and published in June 1998 by the Office of Environmental Quality Control for the project.

For this request, the amendment to the CPR is exempt pursuant to Class 1. Item D.5. to include requests to the Department of Land and Natural Resources or Department of Accounting and General Services for setting aside of State lands to the Department of Transportation.

**APPLICANT REQUIREMENTS:**

None

**REMARKS:**

**General.** The FV was established in 2006 as a condominium project in accordance with Chapter 514A, HRS. The FV is governed by a Board of Directors (FV Board) elected by the owners of the condominium. The FV Board conducts its business pursuant to its by-laws. Under the CPR, utilities and roadway infrastructure are managed by the FV Board, which, pursuant to law, maintains reserves to ensure funds are available for the maintenance of the project.

Seven (7) of the units are leased to United Fishing Agency, Pacific Ocean Producers, Fresh Island Fish, and Hawaiian Ice, with several lessees making improvements to the FV facilities.

The FV is succeeding with its mix of maritime-related uses, which include a fish auction, commercial fishing supplies and gear, wholesale of fresh fish, ice-making for the commercial fishing fleet, and restaurants featuring fish fresh from the auction. With the success of the FV, the FV Board and the DOT Harbors discussed having the FV review and refresh the current layout of the condominium project. Customers of Uncle's Fish Market & Grill and Niko's Pier 38 restaurants add to the mix of vehicles (autos and trucks) seeking parking to conduct business at the FV.

The FV Board and the DOT Harbors recognized and agreed that the CPR should be amended, subject to the approval of the Board of Land and Natural Resources (Board), to divert commercial vehicle and truck traffic (fish auction vendors) to the westward roadways (Ewa side) of the FV, away from pedestrian and customer vehicle traffic. This traffic diversion of commercial vehicle/truck traffic will increase pedestrian safety. The proposal is to re-designate two (2) vacant units (approximately 41,760 square feet) located in the center of the CPR as limited common areas (LCA) for customer vehicle parking, to preserve open space and views of the fishing fleet, and to re-purpose the pedestrian promenade. The FV Board would finance and construct the two (2) vacant units into parking lots at a cost not to exceed \$2.5 million with no cost to the DOT Harbors.

A new condominium unit would be created to serve as the RCU. The RCU is intended to serve as a separate facility for "live-on-board crew" with a restroom facility, including showers, to replace port-a-potties; commercial clothing washers and dryers; crew support services; and an improved used oil collection and disposal facility. The RCU is intended to support the crews of the fishing fleets. The FV will contribute up to \$1 million toward development of the RCU. If design and construction costs for the RCU exceeds

\$1 million, the DOT Harbors, in cooperation with the FV, shall install the RCU infrastructure through a capital improvement project, or, if appropriate, enter into a Capital Advancement Contract with the FV for costs not to exceed \$2 million.

**Maritime and maritime related operations.** The RCU is proposed to support the needs of the fishing fleet crews.

**Disposition encourages competition.** The disposition addresses a public interest need to create an RCU. In DOT Harbors' planning for the 2050 Honolulu Master Plan, a respite center is the first of two (2) improvements and programs for the fishing fleet crews. The other improvement and program are for the fleets at Piers 16-18 at Honolulu Harbor.

**RECOMMENDATION:**

That the Board authorize the DOT Harbors (in accordance with the condominium documents) to amend the Declaration of CPR of the FV to: a) convert two (2) condominium units to limited common elements, and b) facilitate and support the State's construction of an RCU for crew members of the fishing fleets at Piers 36-38.

Respectfully submitted,



for

JADE T. BUTAY  
Director of Transportation

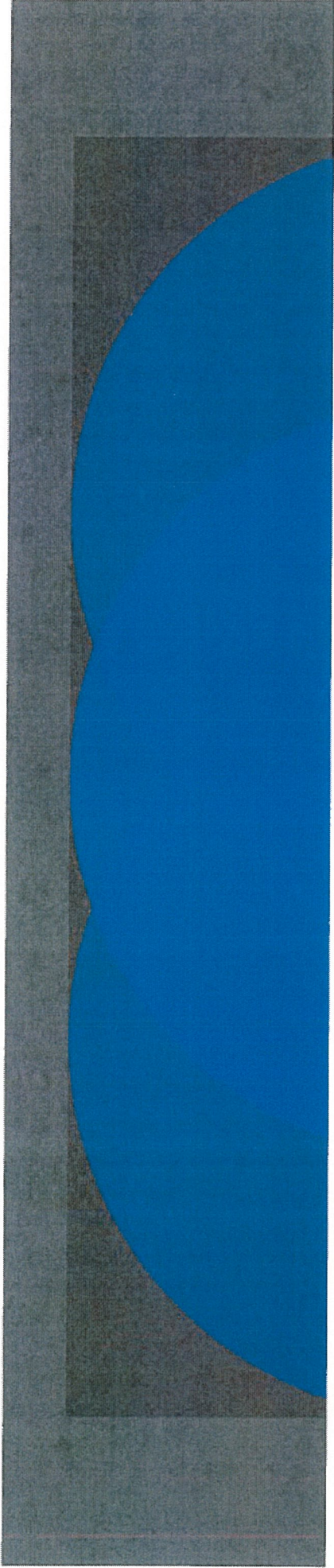
APPROVED FOR SUBMITTAL:



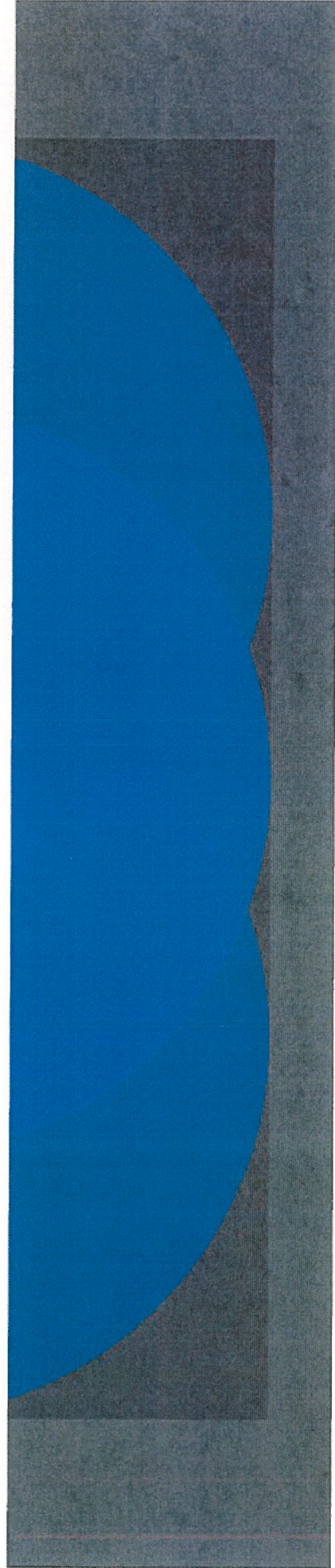
SUZANNE D. CASE  
Chairperson and Member  
Board of Land and Natural Resources

Attachment: Exhibit A





# The Domestic Commercial Fishing Village at Pier 38







# The Domestic Commercial Fishing Village at Pier 38

The Vision

FISH AUCTION

◆ PIER 38 ◆

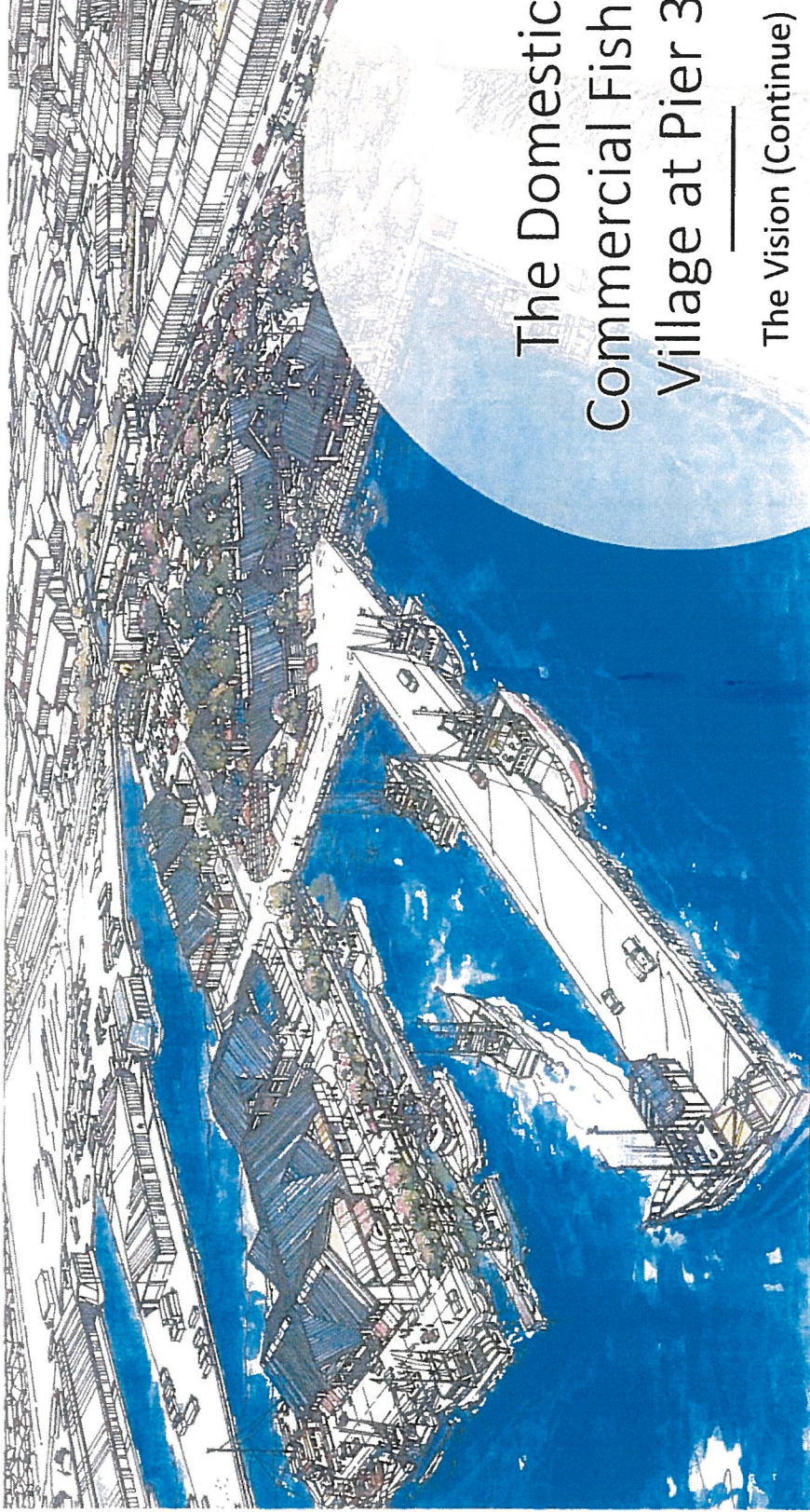
DOMESTIC COMMERCIAL FISHING VILLAGE

STATE OF HAWAII DEPARTMENT OF TRANSPORTATION HARBORS DIVISION



EXHIBIT A





# The Domestic Commercial Fishing Village at Pier 38

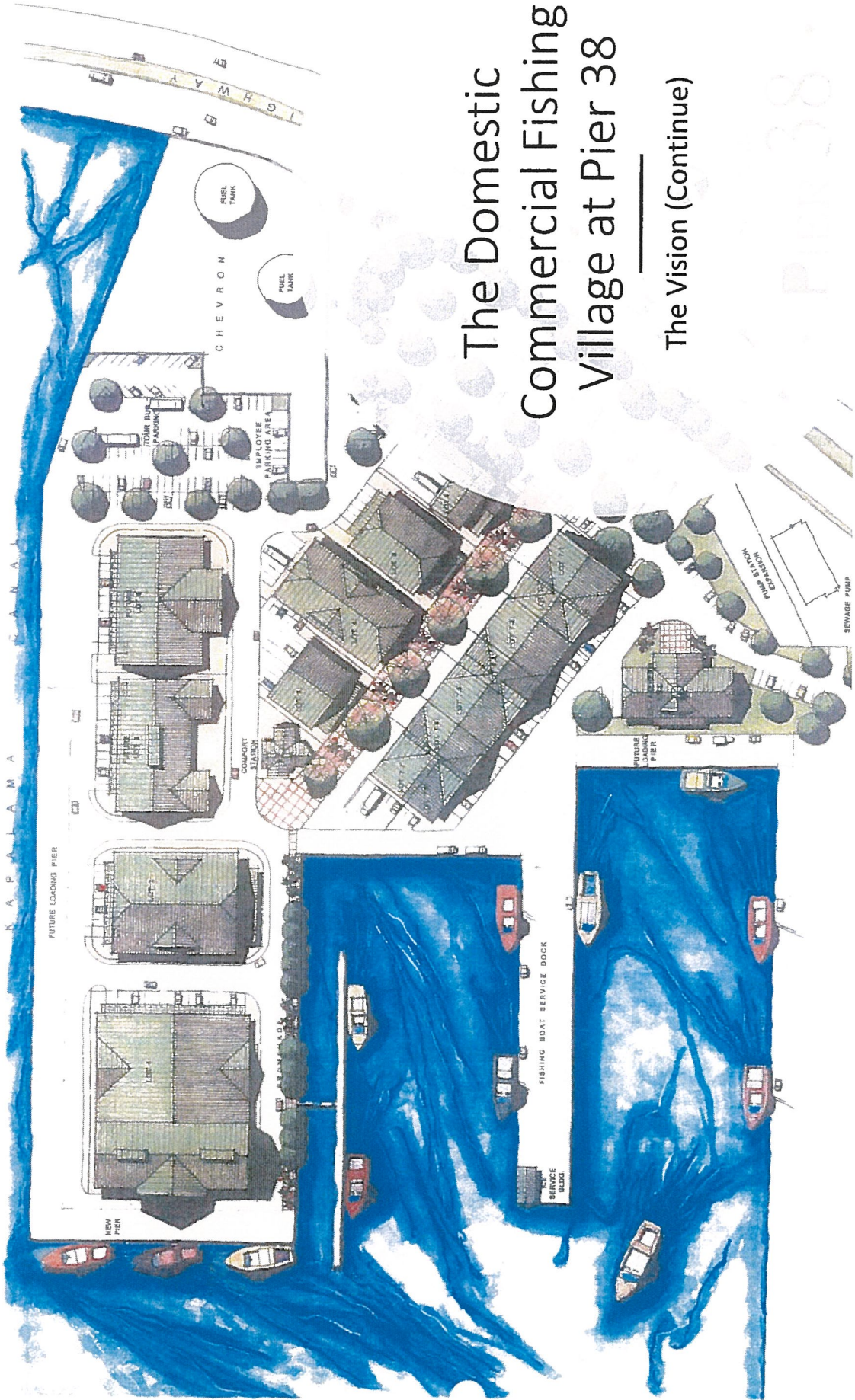
The Vision (Continue)

AERIAL VIEW OF PROJECT

◆ PIER 38 ◆

EXHIBIT A

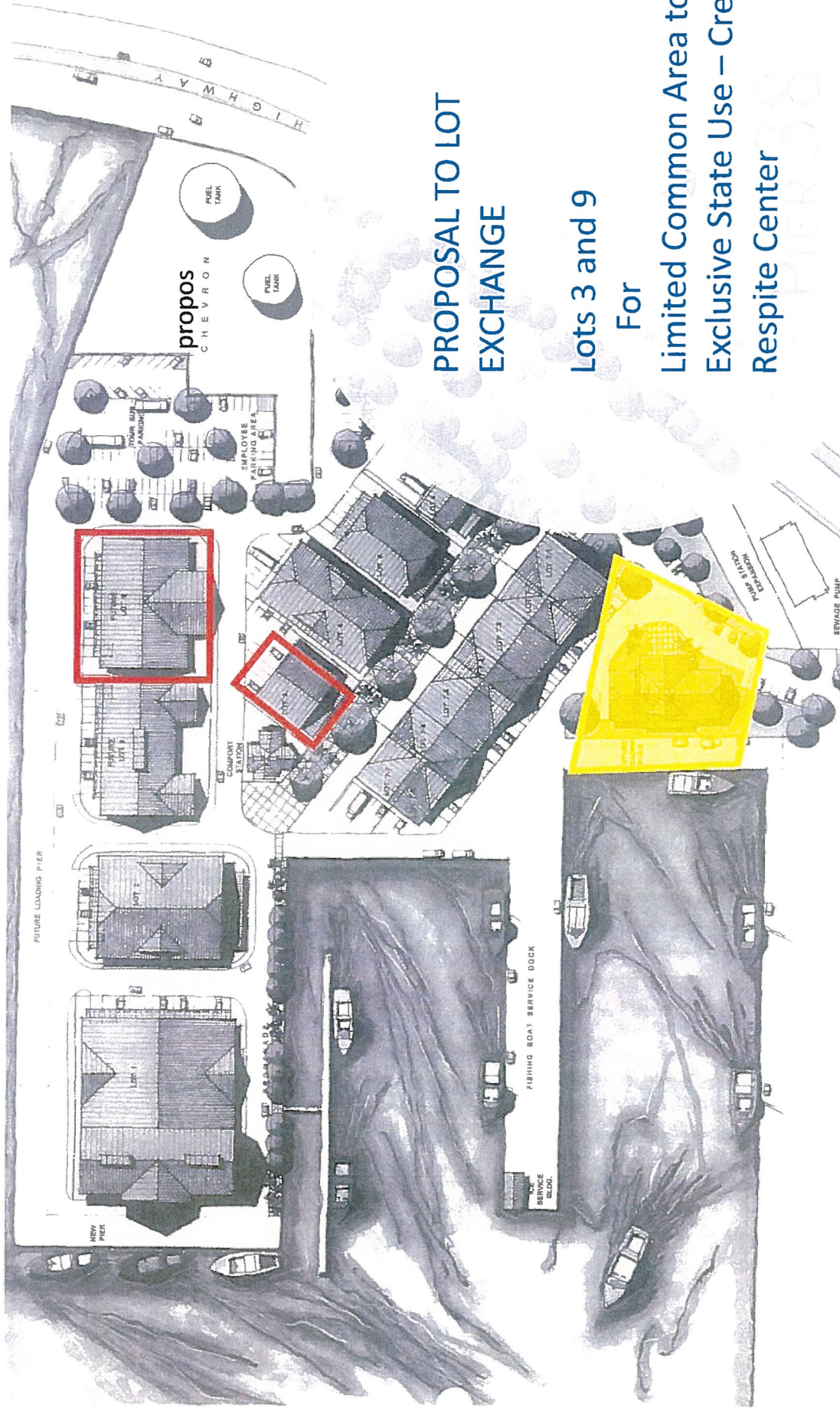




# The Domestic Commercial Fishing Village at Pier 38

The Vision (Continue)





**PROPOSAL TO LOT EXCHANGE**

**Lots 3 and 9 For**

**Limited Common Area to Exclusive State Use – Crew Respite Center**

## Lot Changes

- The attraction to fresh and tasty seafood and scenic views of the fishing fleet has lent to the business growth and diversity of businesses at 38.
- With growth is the need for parking.
- The State is requesting to amend the development plans in the interests of the public and build a Respite Center Unit for crew of the fishing fleet at Pier 36-38.



# Respite Center Unit

- The concept of the Respite Center Unit is to address the perception of conditions of the live-on-board crew
- Provide separate restrooms from the DCFV and replace portable toilets.
- Provide showers, space for personal well-being (counseling), and mail drops – no sleeping facilities.
- The Respite Center will be managed privately to collect waste oil, ensure security, prevent illegal dumping, and to provide services as needed.