

TESTIMONY
SB1069

TESTIMONY IN SUPPORT OF SB 1069
SENATE COMMITTEE ON WATER, LAND, AGRICULTURE,
AND HAWAIIAN AFFAIRS

ROOM 229 at 3:30 pm on Wednesday, 18 February 2009

Chair Hee and Respected Members of the Committee;

My name is Reg White. I work in the commercial passenger boat and passenger highway transportation industries of Hawaii and depend heavily on the health of our tourism industry for my livelihood. I have been involved with boating operations within, and transportation to and from Kewalo Basin for the past thirty five years. The CPAC was formed to protect the citizens of Hawaii from unwise development and use of Kakaako Makai. It is staffed with a fine, homogenous group of dedicated volunteers who are one way or another attached to the area. This bill seeks to prevent the HCDA from running rough shod over the best interests of the citizens as has happened in the past on more than one occasion. I support this bill to require the HCDA to listen to and get consensus from the CPAC in their planning and development process for the Kakaako Makai areas. It does need to be amended to provide that whatever agency has oversight of Kakaako Makai will involve the CPAC, as there are several bills making the rounds in this legislative session that may move the responsibility for the area away from HCDA, and it should have the correct boundaries of Kakaako Makai in it's text, "from the east side of Kewalo Basin, at the ewa wall of Ala Moana Park, ewa to Forrest Street, and from Ala Moana Blvd. makai to the ocean".

Respectfully,

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SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice Chair

Wednesday, February 18, 2009
Senate Conference Room 229
3:30 PM

SENATE BILL 1069

Relating to the Hawaii Community Development Authority

Testimony Offered in FULL SUPPORT by Michelle S. Matson

Aloha Chair Hee, Vice Chair Tokuda and Committee Members:

I am a participating member and elected officer of the Kaka 'ako Makai Community Planning Advisory Council (CPAC). Today I am testifying as an individual to present an informational update on the CPAC's commitment to function in accordance with HCR 30, 2006, which advised the HCDA to *"immediately convene a working group of interested stakeholders, particularly the groups and individuals that have surfaced in this controversy, to meaningfully participate in the development, acceptance, and implementation of any future plans for the development of Kaka'ako Makai."*

Commendably, the HCDA took heed of this advice and, in April 2007, over sixty (60) diverse organizations, community leaders, recreation stakeholders and interested others convened to form an advisory group in the public interest. Surfers and fine arts advocates, park users and excursion boat business owners, environmentalists and land developers, architects and marine biologists, and many others came together over the ensuing months to learn about and discuss the features and failures of Kaka'ako Makai.

The CPAC has worked to build a functional and informed working entity, has educated its participants about the history of the area, and has benefited from numerous stakeholder and agency presentations. Protection of natural and historic resources, discussion on bio-hazards and economic infusions, emphasis on the Hawaiian culture and ocean environment, and public uses for this remaining shoreline open space that will serve the greater public interest were addressed, and an inclusive multi-voting process built on consensus refined and determined the Vision and Guiding Principles for any future plans for Kaka'ako Makai.

The HCDA has publicly stated that they are "committing to a long-term effort in which the Advisory Working Group will work with HCDA on detailed planning, design and development of Kaka'ako Makai." Yet recently the CPAC was informed that the HCDA would take the adopted Vision and Guiding Principles to a planning consultant team to work into a plan, and when finished this plan would be presented to the CPAC for comments.

This did not appear to be the formula for "meaningful participation" that had been expected from HCR 30 or from the extensive work the CPAC has invested in developing the Vision and Guiding Principles for Kaka 'ako Makai. The CPAC is "committed to the long-term need to be present, responsive and reliable as an effective consulting participant working productively in partnership together with the larger community, the HCDA and its planning consultants, and other State agencies in this significant community-based planning effort."

This testimony offers strong support for Senate Bill 1069 as legislation that will benefit the objectives of HCR 30 and the goals of the larger community. Senate Bill 1069 ensures that the HCDA, *"in developing, accepting, and implementing any plans for the development of the Kakaako makai area... shall collaborate with and consider the recommendations of the Kakaako Makai Community Planning Advisory Council organized in 2007."*

Such statutory standing relating to a citizens advisory group is not without precedent. Chapter 6E-32, HRS, stipulates that *"The Diamond Head State Monument Plan, adopted by the board of land and natural resources in November of 1979, shall serve as the official document setting forth the future direction of the Diamond Head State Monument. The board of land and natural resources may amend the monument plan from time to time with the review and recommendations of the Diamond Head citizen advisory committee, organized in October of 1977."*

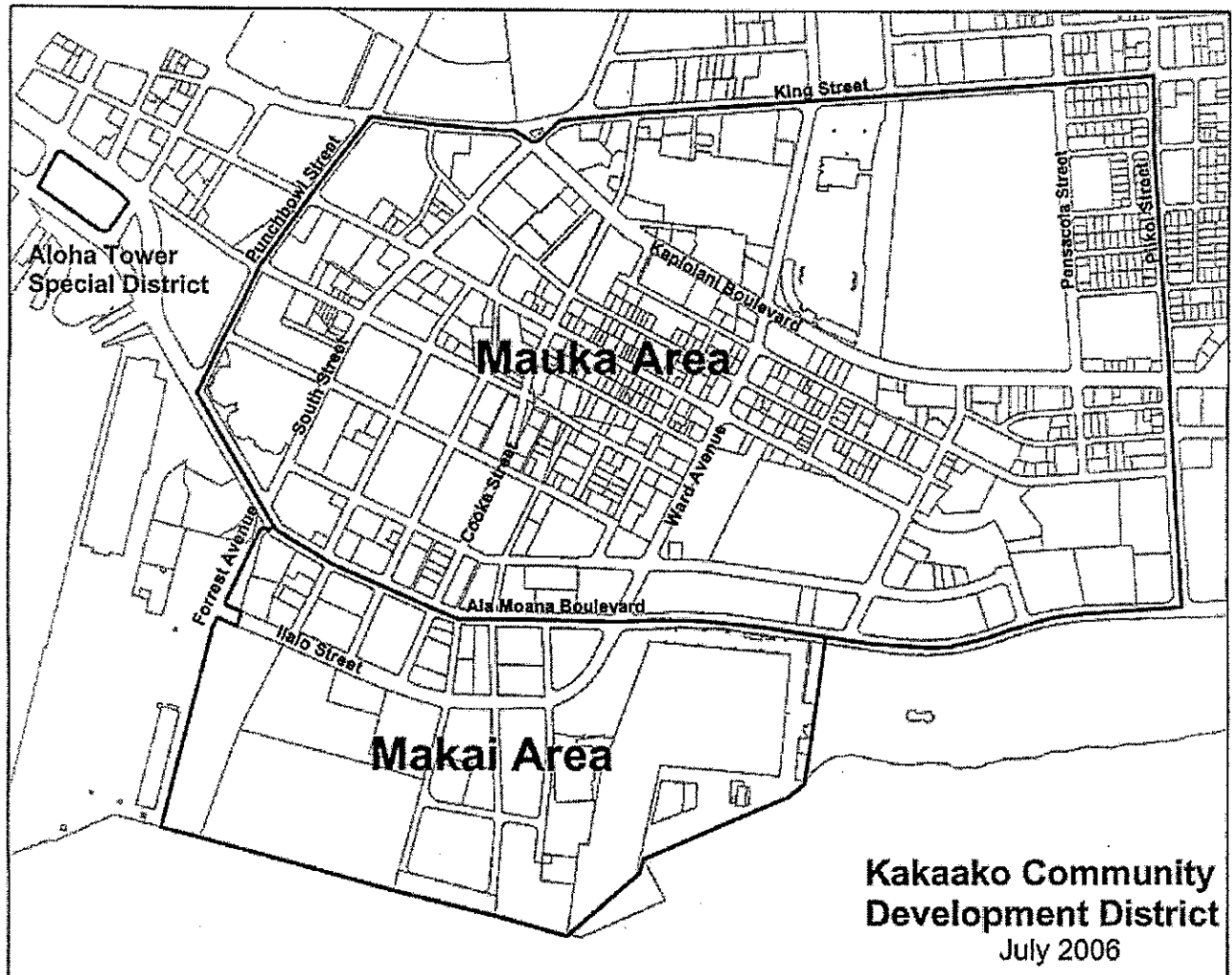
In addition, Senate Bill 1069 describes the subject planning area as "the area within the Kakaako community development district that is makai of Ala Moana Boulevard, between the east boundary of Ala Moana Park and Keawe Street and including the Kakaako/Ala Moana pump station." I would respectfully ask that further clarification be made in keeping with the HCDA's map of Kaka'ako Makai, as attached, and that this description be amended to read "the area within the Kakaako community development district that is makai of Ala Moana Boulevard, between the east boundary of Kewalo Basin Harbor at Ala Moana Park and Keawe Street-Forrest Avenue and including the Historic Kakaako/Ala Moana Pumping Station site."

Further, certain bills are currently moving through the State Senate to repeal the HCDA's governing statute, Chapter 206E, and to transfer the HCDA's functions to the Department of Land and Natural Resources or a new State Resources Protection and Development umbrella agency, with zoning authority properly transferred to the City and County of Honolulu. In view of these bills, Senate Bill 1069 would also need to be amended to ensure that the advisory functions of the CPAC would be included with any such transfers.

Concluding with full support of this measure, I respectfully recommend that the Senate Committee on Water, Land, Agriculture and Hawaiian Affairs pass Senate Bill 1069 with the above suggested amendments to ensure that the CPAC can continue with its intended purpose in the greater public interest. Through these efforts Honolulu's keiki and kūpuna will see Kaka'ako Makai bloom from its ashes into a treasured flower within the shoreline Lei of Green.

Kaka'ako Makai Planning Area

The Kaka'ako Makai planning area includes the area between the diamond head boundary of Kewalo Basin at Ala Moana Park and the diamond head boundary of Piers 1 and 2 and the Foreign Trade Zone at Forrest Avenue, and between Ala Moana Boulevard and the shoreline.



KAKA'AKO MAKAI COMMUNITY PLANNING ADVISORY COUNCIL

THE VISION FOR KAKA'AKO MAKAI

The Hawaiian Place of Ka'ākaukukui and Kukuluae'o

Kaka'ako Makai is the community's gathering place. A safe place that welcomes all people, from keiki to kūpuna, with enriching cultural, recreational and educational public uses. A special place that continues the shoreline lei of green with scenic beauty, connects panoramic vistas mauka to makai, and encourages ecological integrity of land, air and sea. Kaka'ako Makai honors, celebrates and preserves its historic sense of place, Hawaiian cultural values and our unique island lifestyle for present families and future generations.

GUIDING PRINCIPLES

Community Cultural Gathering Place

Establish Kaka'ako Makai as a gathering place where community and culture converge in response to the natural scenic beauty of the green shoreline open space.

- *Celebrate the intertwined cultures of the community by ensuring a welcoming gathering place for a broad cross-section of people diverse in age, income and ethnicity.*
- *Provide enriching public recreational, cultural and educational opportunities for residents and visitors alike through Kaka'ako Makai's scenic coastal and marine environment, the Native Hawaiian cultural heritage, compatible facilities and activities, and historic sites and settings.*

Hawaiian Culture and Values of the Ahupua'a

Base the framework for planning, decision-making and implementation of the Kaka'ako Makai master plan on Native Hawaiian values and traditional and customary rights and practices protected by the State.¹

- *Emphasize the host Hawaiian culture.²*
- *Incorporate the ahupua'a concept and spirit of caring for, conserving and preserving the self-sustaining resource systems necessary for life, including the land that provides sustenance and shelter, the natural elements of air, wind and rain extending beyond the mountain peaks and streams of pure water, and the ocean from the shoreline to beyond the reef where fish are caught.*
- *Adopt the ahupua'a lifestyle of individual kuleana working together and contributing to the whole for a greater level of stewardship, conservation, and proper management of resources with contemporary land-use benchmarks, such as growth boundaries and carrying capacity.*
- *Assure that the planning of collective or individual traditional features, settings, and activities will be overseen by Hawaiian historic and cultural experts to prevent misinterpretation or exploitation.*

¹ Hawaii State Constitution, Article XII, Section 7. Inform the planning process by the principles and traditions of the ahupua'a, and inspire the master plan by the interconnected relationship of people.

² §206E-34(c)(5), Hawaii Revised Statutes. The Hawaiian host culture is emphasized as pre-eminent yet inclusive of other cultures.

Open View Planes

Protect, preserve and perpetuate Kaka'ako Makai's open view planes from the mountains to the sea as an inherent value of the Hawaiian ahupua'a and an important public asset for residents, visitors and future generations.³

- *Ensure planning and development safeguards to identify, document, retain, restore and protect makai-mauka and diamondhead-ewa open view planes to the Ko'olau mountains, Diamond Head (Lē'ahi) and the Wai'anae mountains as seen from the view vantage areas and vicinities of Kaka'ako Makai's public lands and Kewalo Basin Harbor.*

Coastal and Marine Resources

Preserve, restore and maintain Kaka'ako Makai's valuable coastal and marine resources for present and future generations.

- *Enable the monitoring, protection, restoration, and conservation of natural coastal and ocean resources, including reef and marine life, through responsible stewardship and sustainable practices.*
- *Protect and sustain the coastal environment for cultural uses including fishing, ocean gathering, surfing and ocean navigation.*

Expanded Park and Green Space

Ensure expansion of Kaka'ako Makai's shoreline parks as significant landscaped open spaces⁴ joining the lei of green parks extending from Diamond Head (Lē'ahi) to Aloha Tower.

- *Implement the Hawaiian values of the ahupua'a and mālama 'āina by preserving shoreline open space, protecting scenic coastal and marine resources, and respecting the natural interaction of people, land, ocean and air.*
- *Welcome residents and visitors alike with green open space, abundant shade trees and opportunities for family recreation.*
- *Use the established park planning standard of at least 2 acres per 1000 residents as a benchmark to assure sufficiency of park space to contribute to the health and welfare of Kaka'ako Mauka's growing population and offset increased urban density, noise and pollution.*

Public Accessibility

Provide open and full public access to recreational, cultural and educational activities within and around Kaka'ako Makai's parks and ocean shoreline.

- *Ensure complete public recreational access with minimal impact to the environment, including drop-off accommodation of ocean recreation equipment and connections to public transportation.*
- *Provide a shoreline promenade and tree-lined paths to safely and comfortably accommodate pedestrians, bicyclists and the physically impaired.*
- *Provide sufficient shared parking complementary to the natural setting to support all uses in Kaka'ako Makai, with workplace parking available for recreational and cultural users during non-working hours.*

³ Significant Panoramic Views Map A-1, Honolulu Primary Urban Center Development Plan.

⁴ Inclusive of Kewalo Basin Park, Kaka'ako Waterfront Park and Kaka'ako Gateway Park.

Public Safety, Health and Welfare

Ensure that Kaka'ako Makai is a safe and secure place for residents and visitors.

- *Keep public use areas safe day and night for public comfort and enjoyment.*
- *Ensure that exposure to land and ocean is environmentally safe for people and marine life by assuring timely investigation, determination, and remediation of contaminants.*
- *Ensure that Kaka'ako Makai remains free and clear of elements, activities and facilities that may be potentially harmful to the natural environment and public well-being, including laboratories containing and experimenting with Level 3 or higher bio-hazardous pathogens and/or biological toxins known to have the potential to pose a severe threat to public health and safety.⁵*

Public Land Use Legislation – Public Use of Public Lands in the Public Interest

Recognize and respect the effort and intent of the Hawaii State Legislature to uphold the greater public interest by ensuring and sustaining public uses on Kaka'ako Makai State public lands for the greater public good.

- *Preclude the sale of public land and development of housing in Kaka'ako Makai;⁶*
- *Demonstrate commitment to serve the highest needs and aspirations of Hawaii's people and the long-term good of Hawaii's residents and future generations through community-based planning;⁷*
- *Restore the site-dependent use of Kewalo Basin Cove to the Kewalo Keiki Fishing Conservancy.⁸*

Kewalo Basin

Ensure that Kewalo Basin Harbor's unique identity is retained with continued small commercial fishing and excursion boat uses, keiki fishing and marine conservation, marine research and education, and accessible green park open space expanding the lei of green between Ala Moana Park and Kaka'ako Waterfront Park.

- *Enable continued functional commercial boating uses at Kewalo Basin Harbor⁹ and preserve the beneficial relationships between the existing small commercial fishing and excursion boat businesses and land-based maritime support service businesses.*
- *Ensure that Kewalo Basin will continue as a State of Hawaii commercial harbor and valuable public facility asset by repairing, maintaining and enhancing the harbor for small commercial fishing and excursion boat use.*
- *Ensure the protected use of Kewalo Basin Cove for Kewalo Keiki Fishing Conservancy keiki fishing and marine conservation programs.*
- *Support Kewalo Marine Laboratory's continued valuable marine biology and ecosystems research and education in the vicinity of Kewalo Basin.*
- *Ensure preservation of Kewalo Basin Park, the net house and parking lot for public use, upgrade and improve existing facilities within the park, and provide green open space between Ala Moana Park and the channel frontage.¹⁰*

⁵ Protection of the public health and safety is first and foremost in this area a) immediately adjacent to a Shoreline recreation area and the urban population center, b) in close proximity to a regional beach park and the Waikiki primary visitor destination, and c) within the updated tsunami zone.

<http://beta.abc3340.com/news/stories/1007/460171.html>

http://www.nytimes.com/2007/10/05/us/05labs.html?_r=1

⁶ §206E-31.5, Hawaii Revised Statutes.

⁷ HCR 30, 2006.

⁸ Act 3, 2007, Special Session.

⁹ §206E-33(2), Hawaii Revised Statutes.

Cultural Facilities

Offer public enrichment opportunities through both fixed and flexible cultural facilities that celebrate the diverse cultures of Hawai'i and blend compatibly with the shoreline open space.

- *Contemplate compatible indoor and outdoor performance venues that encourage the teaching, practicing, and presentation of hula, theater, music, dance, and other performing and visual arts, with an outdoor multi-cultural festival space for Honolulu's diverse ethnic communities.¹¹*
- *Contemplate educational facilities, such as an exhibition hall with permanent, interactive and rotating exhibits, museums communicating the cultural history of the area, and places for traditional Hawaiian cultural practices.¹²*
- *Establish a cultural market stocked by local farmers, fishers and Hawaiian traditional craft makers to reflect the Hawaiian values of gathering and trading in the ahupua'a between the mountains and the sea.¹³*
- *Ensure a community center for local families to gather, interact and learn from each other.*

Small Local Business

Apportion a limited number of small local businesses to assist in cooperatively sustaining Kaka'ako Makai's public use facilities.

- *Ancillary small businesses may include diverse local restaurants, cafés, small shops, markets or other uses that will complement the recreational, cultural, harbor or other public facilities serving the community interest.¹⁴*
- *Encourage small local enterprises that emphasize the Hawaiian culture and support traditional local products, rather than large corporate retailing attractions.*

Site Design Guidelines –

A Hawaiian Sense of Place in Landscape, Setting and Design

Ensure that Kaka'ako Makai's public use facilities are compatible in placement, architectural form, and functional design within the landscape of the shoreline gathering place.¹⁵

- *Provide and maintain abundant native coastal plants and trees to blend the scenic and sensory qualities of the coastal environment and create a Hawaiian sense of place.*
- *Identify, protect, preserve, restore, rehabilitate, interpret and celebrate Kaka'ako Makai's historic sites, facilities, settings, and locations.*
- *Maintain the quality of coastal environmental elements including natural light, air and prevailing winds.*
- *Mandate sustainability principles, conservation technologies, and green building standards for buildings, grounds and infrastructure.¹⁶*

¹⁰ Inclusive of greenbelt connections between Ala Moana Park and Kewalo Basin Park, between the Net House and Kewalo Basin Channel, and between Ala Moana Boulevard and Kewalo Basin to Point Panic.

¹¹ §206E-34(d)(3), Hawaii Revised Statutes.

¹² §206E-34(d)(5), Hawaii Revised Statutes.

¹³ §206E-34(a) and (b), Hawaii Revised Statutes.

¹⁴ §206E-34(d)(2), Hawaii Revised Statutes.

¹⁵ Encourage private development mauka of Ilalo Street to compliment the gathering place concept of the Kaka'ako Makai public use area on public lands by providing landscaped set-backs and inviting open architecture at the street level.

¹⁶ Ensure reasonable carrying capacity with limited infrastructure for sufficient water supply, storm-water drainage and waste disposal.

Community/Government Planning Partnership

The Kaka'ako Makai Community Planning Advisory Council places the public interest first and foremost, and will strive to uphold the greater good of the community in partnership with the HCDA as the public oversight agency by:

- *Openly working with the community, the HCDA and the HCDA's planning consultants as guaranteed by government commitment to ongoing community representation and involvement throughout the master planning process;*
- *Openly communicating with the State Legislature and other elected public officials;*
- *Committing the time and effort required to meet the goals and objectives of the Kaka'ako Makai planning process, and advocating responsibly in the public interest both collectively and individually, notwithstanding premature or conflicting proposals.*

Future Funding and Management

Assure and assist viable and sustainable operation of public uses and facilities on State public land in Kaka'ako Makai through public/private partnerships and 501(c)(3) non-profit management¹⁷ similar to successful park conservancies and their stewardship programs.

- *The community land conservancy will be essential in determining safeguards to restore, protect and perpetuate Kaka'ako Makai's natural shoreline resources and view planes, historic and recreational resources, and public uses on State public lands in the public interest as a quality of life benchmark.*
- *This conservancy may be a public/private partnership of the Kaka'ako Makai Community Planning Advisory Council (CPAC), the Hawaii Community Development Authority (HCDA) or current oversight agency, and private contributing interests to both monitor and underwrite public use on State public land in service to the public good.¹⁸*

¹⁷ §206E-34(c)(3), Hawaii Revised Statutes.

¹⁸ A public/private community benefits agreement may be developed upon completion of the master plan to define respective responsibilities and contributions.

TESTIMONY

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(END)