

Testimony & Comments for SB 2783

HEARING

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

Rep. Isaac W. Choy, Rep. Chris Lee, Rep. Ty Cullen, Rep. Dee Morikawa, Rep. Heather Giugni, Rep. James Kunane Tokioka, Rep. Sharon E. Har, Rep. Kyle T. Yamashita, Rep. Mark J. Hashem, Rep. Barbara C. Marumoto, Rep. Linda Ichiyama, Rep. Gil Riviere, Rep. Jo Jordan, Rep. Gene Ward, Rep. Derek S.K. Kawakami

NOTICE OF HEARING

DATE: Tuesday, March 29, 2012

TIME: 1:30 PM

PLACE: Conference Room 308

State Capitol

415 South Beretania Street

SB 2783 - RELATING TO THE PUBLIC TRUST LANDS. - Conveys Kakaako Makai lands to Office of Hawaiian Affairs, and resolves all disputes and controversies, and extinguishes, discharges and bars all claims, suits, and actions relating to OHA's portion of income and proceeds from the public trust lands for the period November 7, 1978 through June 30, 2012

Aloha Chairman Marcus R. Oshiro, Chair, Vice Chairman Marilyn B. Lee and the Committee on Finance:

My name is Wayne Takamine and I participated in the Kaka'ako Makai Master Planning process as the chairman of the Kaka'ako Makai Community Planning Advisory Council (CPAC).

CPAC has been closely following the issues involved with the proposed Office of Hawaiian Affairs (OHA) Ceded Land Settlement (SB2783) that includes 10 parcels in Kaka'ako Makai since its announcement in October 2011. In November 2011, members of CPAC were invited to participate in an informal meeting with OHA Executive Members that included the Chairperson of the OHA Board of Trustees and her staff. In February 2012, CPAC gave a presentation to the OHA Board of Trustees to provide insights and information on the concepts and creation of the Kaka'ako Makai Vision and Guiding Principals. OHA followed at our March 1, 2012 CPAC Meeting by providing representatives to give CPAC an update and presentation of the Ceded Land Settlement (SB2783). The OHA representatives stated that the OHA Board of Trustees have approved the proposed Ceded Land Settlement that mirrors the language in the Senate Bill 2783, which they support unamended.

OHA has played an important role in the creation and acceptance of the Kaka'ako Makai Vision and Guiding Principles and the Kaka'ako Master Conceptual Master Plan. CPAC has always valued the insights of OHA in providing practical solutions towards the creation of appropriate concepts for Kaka'ako Makai. We also respect OHA for the historical ties to Kaka'ako Makai and recognize some of the many prominent historic Hawaiian figures with roots in Kaka'ako area including Don Ho, Aunty Genoa Kewae and Gabby Pahinui.

The Kaka'ako Makai Conceptual Master Plan is a product of a diverse planning process. It also clearly shows a need for an organization that can solicit donations, volunteers and provide leadership for the various projects that are envisioned. Challenges in developing these Master Plan concepts may be perceived by some to be financial liabilities however, in reality the master plan also presents a multitude of viable goals can be better measured by the amount of commitment and support it produces from the communities and benchmarked by accomplishments that provides the public with a higher quality of life.

OHA and its communities can gain from the implementation of concepts created through the community planning process and approved by the HCDA Board. As landowners OHA's should strongly consider priorities these planning concepts to determine the value they can present to their Hawaiian Communities. These master plan projects include the Museum For Hawaiian Music and Dance (\$35MM), Community Center (\$10MM), Performing Arts Venue (\$55MM) that already exists in the Kaka'ako Makai Conceptual Master Plan.

If OHA were to move forward with these concepts they could pursue legislation or programs for funding of detailed planning and development of these projects with Kaka'ako Makai stakeholders and community support. OHA could then seek commercial partnerships with businesses that can manage the facilities to make them financially sustainable. The Hawaiian communities would benefit by having access to the facilities and surrounding areas for cultural practices and community gathering during non-business hours. The public will also benefit by being able to rent the facilities for special occasions or attend special events and productions.

It is understood that SB 2783 presents OHA with land that can strengthen its Hawaiian communities and also to provide the public with unique opportunities to experience and share the unique aspects the our host culture. Consultants of the Kaka'ako Makai Master Plan have emphasized several time that what is attractive for the "locals" tends to be attract for visitors also.

CPAC would like to thank the House Finance committee for allowing us to voice our comments on the OHA Ceded Land Settlement bill SB 2783. We strongly believe OHA's greatest asset is its people and we strive to continue working with OHA to make Kaka'ako Makai the "Community's Gathering Place."

Respectfully,

Wayne Takamine
CPAC Chairman

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.²

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.³

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.4

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. 5

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.

KAKAAKO COMMUNITY DEVELOPMENT DISTRICT
§206E-34 Cultural public market. [Act 231, 2005]

- a) There shall be established within the Hawaii community development authority a state cultural public market.
- b) The cultural public market shall be located on state land within the Kakaako Makai area and developed pursuant to sections 206E-31, 206E-32, and 206E-33. A public parking lot shall be included.
- c) The Hawaii community development authority shall:
- (1) Designate and develop the state-owned land for the cultural public market;
 - (2) Accept, for consideration, input regarding the establishment of the cultural public market from the following departments and agencies:
 - (A) The department of agriculture;
 - (B) The department of business, economic development, and tourism;
 - (C) The department of land and natural resources;
 - (D) The department of labor and industrial relations; and
 - (E) The Hawaii tourism authority;
 - (3) Consider and determine the propriety of using public private partnerships in the development and operation of the cultural public market;
 - (4) Develop, distribute, and accept requests for proposals from private entities for plans to develop and operate the cultural public market; and
 - (5) Ensure that the Hawaiian culture is the featured culture in the cultural public market.
- (d) Requests for proposals for the cultural public market shall contemplate but not be limited to the inclusion of the following types of facilities and services:
- (1) Retail outlets for ethnically diverse products;
 - (2) Venues for businesses with ethnic themes, including restaurants and other service-related businesses;
 - (3) Theaters, stages, and arenas designed to showcase cultural performing artists as well as community performing arts;
 - (4) Exhibition space or museums that showcase artwork created by international and local artists; and
 - (5) Museums or other educational facilities focusing on the history and cultures of the various ethnic groups within Hawaii, including Hawaiian history.
(Emphasis added)

H.C.R. 30 HD1 SD1

HOUSE OF REPRESENTATIVES
TWENTY-THIRD LEGISLATURE,
2006

H.C.R. NO. 30
H.D. 1

HOUSE CONCURRENT**RESOLUTION**

URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO IMMEDIATELY RESCIND BOTH ITS REQUEST FOR PROPOSALS AND ANY CONTRACT OR AGREEMENT AWARDED, OR COMMITMENT MADE, TO ALEXANDER & BALDWIN PROPERTIES, INC. FOR THE DEVELOPMENT OF KAKAAKO MAKAI.

WHEREAS, the area mauka of Ala Moana Boulevard within the Kakaako Community Design District (Kakaako Mauka) is studded with some of the State's highest high-rise residential buildings, with some structures approaching 400 feet; and

WHEREAS, in October 2002, the Hawaii Community Development Authority (HCDA) adopted the "Waterfront Business Plan" covering the use and development of the area makai of Ala Moana Boulevard, between Kewalo Basin and the University of Hawaii, John A. Burns School of Medicine (Kakaako Makai); and

WHEREAS, in January 2005, HCDA issued a Request for Proposals for Kakaako Makai to which there were 15 respondents; and

WHEREAS, in September 2005, HCDA selected Alexander and Baldwin Properties, Inc. (A&B Properties), over five other plans, because HCDA found that at the time, it best met desired criteria, including open space for public use; and

WHEREAS, public reaction to the A&B Properties' project prompted A&B Properties to resubmit a "scaled down" version of the project in December 2005, which continues to receive strong public opposition; and

WHEREAS, Kakaako Makai is such an opportunity for a large open space park with learning centers that cannot be trumped by the short-term need to finance the State's participation in the development of the Kakaako Community Design District (District); and

WHEREAS, the State must demonstrate its commitment to withhold its valuable lands from development for short-term gains in exchange for the long-term good of its residents and the future generations to come; and

WHEREAS, in establishing the HCDA, the Legislature, as expressed in section 206E-1, Hawaii Revised Statutes (HRS), believed that the "authority will result in communities which serve the highest needs and aspirations of Hawaii's people"; and

WHEREAS, the mixed use mandate of the District where people can live, work, visit, and play must be implemented in a complementary manner that recognizes the "live and work" land uses of Kakaako Mauka and the "learn and play" land uses of Kakaako Makai; and

WHEREAS, the density of the urban core of Honolulu mandates that every opportunity to create open space should be availed for the public health and welfare; and

WHEREAS, HCDA has led the Legislature to believe that HCDA and A&B Properties are currently in the stage of negotiations in which only a non-binding award of the master development rights contract has been awarded to A&B Properties, and no binding letter of intent or development agreement has been entered into; and

WHEREAS, judging from the volume of public opposition to A&B Properties' "scaled down" version of its project, the Legislature finds that A&B Properties' projects regarding Kakaako Makai does not serve the highest needs and aspirations of all segments of Hawaii's community; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring, that HCDA is urged to immediately rescind both its Request for Proposals and any contract or agreement awarded to, or commitment it may have with A&B Properties, Inc., to develop Kakaako Makai; and

BE IT FURTHER RESOLVED that the Hawaii Community Development Authority 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 Kakaako Makai; and

BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the Hawaii Community Development Authority.

Report Title:

Urging HCDA to immediately rescind any contract or agreement with A&B Properties and to convene a working group of interested stakeholders.

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- 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.4

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. 5

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.

KAKAAKO COMMUNITY DEVELOPMENT DISTRICT
§206E-34 Cultural public market. [Act 231, 2005]

a) There shall be established within the Hawaii community development authority a state cultural public market.

b) The cultural public market shall be located on state land within the Kakaako Makai area and developed pursuant to sections 206E-31, 206E-32, and 206E-33. A public parking lot shall be included.

c) The Hawaii community development authority shall:

(1) Designate and develop the state-owned land for the cultural public market;

(2) Accept, for consideration, input regarding the establishment of the cultural public market from the following departments and agencies:

(A) The department of agriculture;

(B) The department of business, economic development, and tourism;

(C) The department of land and natural resources;

(D) The department of labor and industrial relations; and

(E) The Hawaii tourism authority;

(3) Consider and determine the propriety of using public private partnerships in the development and operation of the cultural public market;

(4) Develop, distribute, and accept requests for proposals from private entities for plans to develop and operate the cultural public market; and

(5) Ensure that the Hawaiian culture is the featured culture in the cultural public market.

(d) Requests for proposals for the cultural public market shall contemplate but not be limited to the inclusion of the following types of facilities and services:

(1) Retail outlets for ethnically diverse products;

(2) Venues for businesses with ethnic themes, including restaurants and other service-related businesses;

(3) Theaters, stages, and arenas designed to showcase cultural performing artists as well as community performing arts;

(4) Exhibition space or museums that showcase artwork created by international and local artists; and

(5) Museums or other educational facilities focusing on the history and cultures of the various ethnic groups within Hawaii, including Hawaiian history.

(Emphasis added)

H.C.R. 30 HD1 SD1

HOUSE OF REPRESENTATIVES

H.C.R. NO. 30

TWENTY-THIRD LEGISLATURE,
2006

H.D. 1

HOUSE CONCURRENT

RESOLUTION

URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO IMMEDIATELY RESCIND BOTH ITS REQUEST FOR PROPOSALS AND ANY CONTRACT OR AGREEMENT AWARDED, OR COMMITMENT MADE, TO ALEXANDER & BALDWIN PROPERTIES, INC. FOR THE DEVELOPMENT OF KAKAAKO MAKAI.

WHEREAS, the area mauka of Ala Moana Boulevard within the Kakaako Community Design District (Kakaako Mauka) is studded with some of the State's highest high-rise residential buildings, with some structures approaching 400 feet; and

WHEREAS, in October 2002, the Hawaii Community Development Authority (HCDA) adopted the "Waterfront Business Plan" covering the use and development of the area makai of Ala Moana Boulevard, between Kewalo Basin and the University of Hawaii, John A. Burns School of Medicine (Kakaako Makai); and

WHEREAS, in January 2005, HCDA issued a Request for Proposals for Kakaako Makai to which there were 15 respondents; and

WHEREAS, in September 2005, HCDA selected Alexander and Baldwin Properties, Inc. (A&B Properties), over five other plans, because HCDA found that at the time, it best met desired criteria, including open space for public use; and

WHEREAS, public reaction to the A&B Properties' project prompted A&B Properties to resubmit a "scaled down" version of the project in December 2005, which continues to receive strong public opposition; and

WHEREAS, Kakaako Makai is such an opportunity for a large open space park with learning centers that cannot be trumped by the short-term need to finance the State's participation in the development of the Kakaako Community Design District (District); and

WHEREAS, the State must demonstrate its commitment to withhold its valuable lands from development for short-term gains in exchange for the long-term good of its residents and the future generations to come; and

WHEREAS, in establishing the HCDA, the Legislature, as expressed in section 206E-1, Hawaii Revised Statutes (HRS), believed that the "authority will result in communities which serve the highest needs and aspirations of Hawaii's people"; and

WHEREAS, the mixed use mandate of the District where people can live, work, visit, and play must be implemented in a complementary manner that recognizes the "live and work" land uses of Kakaako Mauka and the "learn and play" land uses of Kakaako Makai; and

WHEREAS, the density of the urban core of Honolulu mandates that every opportunity to create open space should be availed for the public health and welfare; and

WHEREAS, HCDA has led the Legislature to believe that HCDA and A&B Properties are currently in the stage of negotiations in which only a non-binding award of the master development rights contract has been awarded to A&B Properties, and no binding letter of intent or development agreement has been entered into; and

WHEREAS, judging from the volume of public opposition to A&B Properties' "scaled down" version of its project, the Legislature finds that A&B Properties' projects regarding Kakaako Makai does not serve the highest needs and aspirations of all segments of Hawaii's community; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring, that HCDA is urged to immediately rescind both its Request for Proposals and any contract or agreement awarded to, or commitment it may have with A&B Properties, Inc., to develop Kakaako Makai; and

BE IT FURTHER RESOLVED that the Hawaii Community Development Authority 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 Kakaako Makai; and

BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the Hawaii Community Development Authority.

Report Title:

Urging HCDA to immediately rescind any contract or agreement with A&B Properties and to convene a working group of interested stakeholders.