



**SB1334**  
**RELATING TO HAWAI‘I COMMUNITY DEVELOPMENT AUTHORITY**  
Ke Kōmike ‘Aha Kenekoa o ke Kuleana Hawai‘i  
Ke Kōmike ‘Aha Kenekoa o ke Kuleana Hale Noho

Pepeluali 16, 2021

1:00 p.m.

Hālāwai Keleka‘a‘ike

The Office of Hawaiian Affairs (OHA) **STRONGLY SUPPORTS** SB1334, which will lift the current restriction against residential development for six of OHA’s parcels in Kaka‘ako Makai and raise the building height limit for two of our properties on Ala Moana Blvd. to 400 feet. This bill will not only empower OHA with the ability to consider options to meet the range of housing needs of Native Hawaiians and the broader public, but will also provide the agency with increased revenue opportunities to fund critical programs and services for our beneficiaries as well as steward our legacy lands.

SB1334 will allow OHA to unlock the potential of our Kaka‘ako Makai lands. We envision integrated, mixed-use projects that create a Hawaiian sense of place, incorporate culture and commerce, and draw our communities to this revitalized urban Honolulu area. Without housing, our project cannot provide a robust live, work, play community as seen in the mauka Kaka‘ako parcels. Passage of this bill will enable a host of development scenarios allowing Kaka‘ako Makai to be a place that families and communities can thrive.

This bill is also about fairness for Native Hawaiians. The current residential prohibition in Kaka‘ako Makai is a unique law – not an administrative rule or county ordinance, but a state law – that regulates land use based on a road. The effect of this law is that OHA, an agency solely dedicated to serving the Native Hawaiian community, cannot develop housing and housing-associated projects makai of Ala Moana, unlike other landowners with parcels immediately mauka of OHA’s property. SB1334 would create parity for OHA with these mauka landowners, by affording this Native Hawaiian-serving agency the same land use options for its parcels as those enjoyed by its mauka neighbors.

## **Background**

Act 15, Session Laws of Hawai‘i 2012, conveyed to OHA 10 parcels in Kaka‘ako Makai, valued at \$200 million, to resolve a longstanding dispute between OHA and the State of Hawai‘i. Act 15 settled the state’s debt owed to the Native Hawaiian people for their unpaid constitutional and statutory portion of income and proceeds from the Public Land Trust from November 7, 1978 through June 30, 2012.

During that same 2012 session, legislators proposed separate legislation to give OHA the right to develop housing on two of the parcels that would be conveyed, thus adding to their value. While appreciative of these efforts, OHA was concerned that the residential issue would impair the passage of the settlement. Ultimately, while Act 15 was passed into law, the residential restrictions on the parcels it conveyed to OHA were not lifted. However, the Committee Report from the Committees on Judiciary and Labor and Ways and Means did express “concerns about the fairness of this proposed settlement” and recognize that **“property values [of the Kaka‘ako Makai parcels] could be enhanced by certain entitlements that, while not specifically provided for in this measure, could be obtained at a future date.”**<sup>1</sup>

In 2014, OHA returned to the Legislature to continue the discussion that started with lawmakers in 2012 about providing the agency with the ability to build housing in Kaka‘ako Makai. After this effort proved unsuccessful, OHA proceeded with its conceptual master planning, conducting statewide meetings in 2015 to gather input and again in 2016 to share our progress.

### **Current Planning Efforts**

All our planning and financial analyses to date indicates that we cannot generate revenues from our Kaka‘ako Makai lands consistent with the rate of return expected for a \$200 million investment – the amount recognized as due to OHA in 2012, which Act 15 sought to resolve – without the ability to build residential on those lands.

With new Board and Administrative leadership, combined with a drastically changing and challenging economic environment, OHA is making the development of its Kaka‘ako Makai a top priority. Over the last year, OHA has been taking a fresh look at its previous plans for its Kaka‘ako Makai lands with the goal of making short- and long-term progress. OHA is exploring all options to maximize revenues in Kaka‘ako Makai to best serve our beneficiaries. SB1334 represents our best hope to realize all our goals for these lands, from revenue generation, to providing housing, to offering a sense of place and community.

### **A Note on Climate Change and Sea Level Rise**

Our goal is to properly steward all our ‘āina responsibly and in a way that creates the greatest value for our beneficiaries. To meet this goal, we must take into serious consideration the impact climate change and sea level rise will have on our Kaka‘ako Makai development. While our properties are near the ocean, they also “sit at higher elevation than the cross streets and main streets that lay mauka of the peninsula.” As a

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result, climate change and sea level rise are predicted to affect our Kaka‘ako Makai parcels in similar ways as many other areas of Honolulu located much further inland.

For example, a 2012 study found that the potential sea level rise (four feet) expected near the end of the century, or early next century, will cause drainage problems due to rainfall, groundwater rising, and ocean water flooding. The areas up mauka near the Neil Blaisdell Center will be impacted as much as our parcels, according to the study. Further modelling shows the McCully area, despite being far away from the ocean, being impacted similarly.

Accordingly, we will plan our developments according to the same best practice design principles that our neighbors up mauka used when they built their residential towers. The 2012 study identified ten design features to minimize future risks due to climate change and sea level rise. We will look to incorporate these mitigation measures into our plans to ensure that our commercial and residential development can serve as a model for managing the effects of climate change.

In light of the above, OHA strongly urges the Committees to **PASS** SB1334. Mahalo for the opportunity to testify on this important matter.

**SB-1334**

Submitted on: 2/5/2021 1:34:26 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John & Rita Shockley	Testifying for FREE ACCESS COALITION	Oppose	No

Comments:

Aloha!

This issue was put to bed back in 2014. OHA was rejected soundly by public demand. We cannot keep opening the door to Zone variance and residential housing prohibitions because new Bills are submitted. This Bill does not help Hawaiians or Hawaii's people in general. We need OHA to simply follow State guidelines when developing their property that was ceded by the State.

Please reject SB 1334 before harm to Hawaii can be done. Hawaiians could never afford to live in hi-rise million-dollar sky-view condo units...Who would benefit? Not Hawaii's people.

Mahalo for your time.

John & Rita Shockley. [www.freeaccesscoalition.weebly.com](http://www.freeaccesscoalition.weebly.com)



To: Senator Maile S.L. Shimabukuro, Chair - Committee on Hawaiian Affairs  
Senator Stanley Chang, Chair - Committee on Housing

Date: Tuesday, February 16, 2021 1:00 – 2:30 pm on Zoom  
From: *Friends of Kewalos*

Subject: Testimony in strong opposition to SB 1334

Aloha Senators,

February 8, 2021

I was always taught: The more information you have, the better your decision. With that said, I would like to share the back story of this special land.

On September 7, 2005, a state agency called the Hawai'i Community Development Authority (HCDA) voted unanimously to allow residential development in Kaka'ako Makai (KM), the last public oceanfront land in urban Honolulu. Exactly one week after this zoning change, HCDA selected Alexander & Baldwin (A&B) as the master developer. Their plan revealed for the first time showing the extent of the \$650 million dollar project highlighting three 200 feet tall residential luxury high rise towers along with a giant 45 foot high pedestrian bridge spanning the Kewalo channel with high end restaurants and retail malls. On top of that, the 36.5 acres of public land was to be sold to A&B for \$50 million. A "sweetheart deal."

The People could not believe what just happened. Long story short, *Save Our Kaka'ako Coalition* was formed consisting of 12 organizations including: *Friends of Kewalos*, *Save our Surf*, *Hawaii State Bodysurfing Association*, *Da Hui*, *Surfrider Foundation*, *Sierra Club*, *Life of the Land* and others. This totally grassroots movement, fueled by the "Power of the People" included a March to the Capital, meeting with Governor Lingle, numerous rallies, and countless testimonies, was able to stop the project by rallying the support of all the legislators except one, to enact a landmark law banning the sale of public land and banning all residential development in KM. This law stands today as a testament to the public sentiment for this land.

The People did not stop there. After five years of hard work, a plan was created, this time with extensive public input, called the *Kaka'ako Makai Conceptual Master Plan* with a Vision Statement and 14 guiding principles. It was adopted by HCDA in 2011 and declared it to be the "go to" plan for future development of the land.

It was not over yet...

In the 2012 legislative session, two bills were introduced, one to transfer this same public land to the Office of Hawaiian Affairs (OHA) valued at \$200 million, to settle claims of back rent for the use of the ceded lands dating back to 1978.

The second bill would have allowed an EXCEPTION to the law and allow residential entitlements for two parcels in the OHA land settlement.

We believe the *powers that be* cleverly tied this bill to the settlement bill, which had a lot of momentum, in the hopes of squeezing it through together to benefit OHA.

As it turned out OHA got the land, but the *exception bill* died due to public opposition.

They tried again in 2014 to get the exception bill passed, but again the People prevailed. *Power of the People.*

Now, they are trying again...

I would like to share part of an article by former Governor George Ariyoshi that he wrote for Hawaii Business News in 2006 about our mounting opposition to the KM sale of Public Land to build luxury high rise residential towers because it ties in to what we are talking about today.

He says “ *HCDA asked, how can we put this land to use now?*

*The People asked what do we want from this land in perpetuity?*

*The People asked the better question with the realization that when the land is developed, other potentials are gone forever.”*

He continues “ *In 1970, high rise construction was proposed the Magic Island and Kewalo ends of Ala Moana Park. Although this plan followed the original design for dredging and improving the area, the People spoke out against it. Today, this land is open space for the enjoyment of all.”*

The \$50 million that the State would have made from the KM land sale back in 2006 would have long been forgotten. Today, the money would be gone. But the towers remain...

I know Kamehameha Schools is waiting in the wings to build too.

If one exception is made, it would be difficult to deny others.

We are not against all development. We understand the people need housing, but ask yourselves “Is this the right place?” *We need to preserve for the People what little oceanfront land we have left, not only in KM, but the entire State. We support “smart development” that puts emphasis on **People first over profit.***

In closing, The KM Master Plan along with the law has protected this land from becoming another Waikiki to ensure that this last public ocean front land in Honolulu will be preserved for the enjoyment of all the People of Hawaii.

It is too late for Waikiki, but not too late for Kaka’ako Makai.

I hope you enjoyed and learned from this story.

You, the legislators, and the Office of Hawaiian Affairs, have a huge responsibility as stewards of this land to respect its history. You both have an opportunity to do something great, an opportunity to leave a lasting legacy not only for the Hawaiian people but all of Hawaii now and forevermore...

Mahalo for this opportunity to share our mana'o.

Ron Iwami  
*Friends of Kewalos*, President  
Non profit 501C3  
[ronald@kewalo.org](mailto:ronald@kewalo.org)

*To Protect, Preserve, and Malama Kewalo Basin Park and the surrounding shoreline and ocean to ensure that the recreational user will continue to have access. and the ability to enjoy the area for future generations to come.*  
www.kewalo.org





**SB-1334**

Submitted on: 2/10/2021 7:24:44 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Noa Napoleon	Testifying for Common Ground Hawaii	Oppose	No

Comments:

SB 1334

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

Dear Committe Members

Common Ground Hawaii STRONGLY OPPOSES SB 1334!

Public Access Rights to our Beaches and Parks should be protected in perpetuity. We strongly oppose any development that could in any way limit, or prohibit the Public enjoyment of our protected recreational areas such as this unique Public Treasure that is Kewalo Basin Park. Thank for the opportunity to submit tetimony on Behalf of Common Ground Hawaii. Noa Napoleon



335 Hahani Street #342132 \* Kailua, HI 96734 \* Phone/Fax (808) 262-0682 E-Mail: [hft3000@gmail.com](mailto:hft3000@gmail.com)

February 16, 2021

COMMITTEE ON HAWAIIAN AFFAIRS  
Senator Maile S.L. Shimabukuro, Chair  
Senator Jarrett Keohokalole, Vice Chair

COMMITTEE ON HOUSING  
Senator Stanley Chang, Chair  
Senator Dru Mamo Kanuha, Vice Chair

SB 1334  
RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Hawaii's Thousand Friends (HTF), a statewide nonprofit organization dedicated to reasonable, responsible and appropriate planning and land use, does not support SB 1334 that allows residential development in Kaka`ako Makai.

The 2006 the legislature banned residential development in Kaka`ako Makai in response to citizen's protests against A&Bs proposed condo development. The protests, then and now, show that residents *do not* want makai views, ocean access and open spaces covered with residential development.

According to HRS 206E-31.5 HCDA is prohibited from "Approving any plan or proposal for any residential development in that portion of the Kaka`ako community development district makai of Ala Moana Boulevard and between Kewalo Basin and the foreign trade zone."

While SB 1334 limits residential development to OHA property if allowed it not only violate HRS 206E-31.5 but approval is a foot in the door to allow *more* residential development in the future thus diminishing if not eliminating one of the last open public beach access areas in urban Honolulu.

HTF urges you to retain Kaka`ako makai open access to the shoreline, fishing, diving, body boarding and surf sites by holding SB 1334 in committee.

To: Senator Maile S.L. Shimabukuro, Chair - Committee on Hawaiian Affairs  
Senator Stanley Chang, Chair - Committee on Housing

From: Mālama Moana

Subject: Testimony in strong opposition to SB 1334

February 14, 2021

Dear Senators,

I am writing on behalf of Mālama Moana to strongly oppose SB1334 and to strongly support the written testimony of Friends of Kewalos.

This attempt to once again open up the shoreline for development and set a very bad precedent is deplorable and those pushing this forward again must be stopped. This was not acceptable before and it has not become acceptable now despite the passing of time.

The buzz word affordable housing has been used endlessly by developers and contracting companies and those who would like to realize more financial gain. Truly affordable housing is important, but why would you build this in a sea level rise flood zone? The homes along the coastline are either being threatened or already being damaged by erosion and sea level rise due to climate change. Owners of coastal property are either thinking of what to do about their situation or trying to sell it while they still can get something for their land.

The law has protected this land from becoming another Waikiki up till now to ensure

that this last public ocean front land in Honolulu will be preserved for the enjoyment of all the People of Hawaii. Let us not take away that protection of free ocean access for the people.

**PLEASE VOTE NO ON SB1334!**

Thank you very much for your consideration.

Sincerely,

Audrey Lee

Mālama Moana

malamaalamoana@gmail.com



**February 14, 2021**

To: **Sen. Maile Shimabukuro, Chair**  
**Sen. Jarrett Keohokalole, Vice Chair & Members of the**  
**Committee on Hawaiian Affairs**  
**Sen. Stanley Chang, Chair**  
**Sen. Dru Kanuha, Vice Chair & Members of the Housing Committee**

From: **Kali Watson**  
**President/CEO**  
**Hawaiian Community Development Board**  
**Honolulu, Hawaii 96813**

Re: **Hearing on SB 1334**  
**Relating to Residential and height restrictions on OHA lands in Kakaako**  
**Makai**  
February 16, 2021 at 1:00 pm  
Auditorium, State Capitol

**TESTIMONY IN SUPPORT**

Dear Chairperson Shimabukuro & Vice Chair Keohokalole of the Committee on Hawaiian Affairs, and Members; Chairperson Chang & Vice Chair Kanuha of the Committee on Housing, and Members:

Thank you for the opportunity to provide testimony in support of **SB 1334** relating to allowing residential development and lifting the height restrictions on OHA lands located in Kakaako Makai.

OHA's request to allow residential development and raise their building height restrictions on their lands in Kakaako Makai is totally appropriate and way overdue. When the restrictions were first imposed it was a way to stop massive hotel development right on the ocean front areas in Kakaako, which would be appropriate. However, the restrictions go too far in that residential highrises along the Ala Moana Boulevard is also prohibited. These locations will provide potential housing for Hawaiian beneficiaries, including some of the 28,000 on DHHL's waiting lists. The present 200-foot limit is too restrictive especially when you have the Collection condo building that is 400 feet high right across the street. With the tremendous need for housing, not only lifting the residential restrictions but allowing more units to built by raising the height of the buildings should be supported. There is very little land available on Oahu for our State's native Hawaiians. Kupuna housing, workforce housing, student/faculty housing and just plain affordable housing should be allowed in such an ideal urban Honolulu location. This is where the jobs are; the university is located; convenient services and entertainment are easily accessible to our kupuna. It's not right that the Hawaiians are being excluded? There is a housing crisis for Hawaiians that needs fixing. I urge you to please pass measure **SB 1334** out of your committees.

Pupuka I Holomua,

Kali Watson  
President/CEO

Chairman of the Board

Richard Soo

Secretary

Jackie Burke

Treasurer

Helen O'Connor

Board Members

Linda Ahue  
Duane Hewlen  
Puni Kekauoha  
Alfred "Bobby" Willing

President/CEO

Kali Watson

Senior VP

Patti Barbee



**SB1334**  
**RELATING TO HAWAI‘I COMMUNITY DEVELOPMENT AUTHORITY**  
Ke Kōmike ‘Aha Kenekoa o ke Kuleana Hawai‘i  
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Pepeluali 16, 2021

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This bill is also about fairness for Native Hawaiians. The current residential prohibition in Kaka‘ako Makai is a unique law – not an administrative rule or county ordinance, but a state law – that regulates land use based on a road. The effect of this law is that OHA, an agency solely dedicated to serving the Native Hawaiian community, cannot develop housing and housing-associated projects makai of Ala Moana, unlike other landowners with parcels immediately mauka of OHA’s property. SB1334 would create parity for OHA with these mauka landowners, by affording this Native Hawaiian-serving agency the same land use options for its parcels as those enjoyed by its mauka neighbors.

## **Background**

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### **Current Planning Efforts**

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### **A Note on Climate Change and Sea Level Rise**

Our goal is to properly steward all our ‘āina responsibly and in a way that creates the greatest value for our beneficiaries. To meet this goal, we must take into serious consideration the impact climate change and sea level rise will have on our Kaka‘ako Makai development. While our properties are near the ocean, they also “sit at higher elevation than the cross streets and main streets that lay mauka of the peninsula.” As a

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result, climate change and sea level rise are predicted to affect our Kaka‘ako Makai parcels in similar ways as many other areas of Honolulu located much further inland.

For example, a 2012 study found that the potential sea level rise (four feet) expected near the end of the century, or early next century, will cause drainage problems due to rainfall, groundwater rising, and ocean water flooding. The areas up mauka near the Neil Blaisdell Center will be impacted as much as our parcels, according to the study. Further modelling shows the McCully area, despite being far away from the ocean, being impacted similarly.

Accordingly, we will plan our developments according to the same best practice design principles that our neighbors up mauka used when they built their residential towers. The 2012 study identified ten design features to minimize future risks due to climate change and sea level rise. We will look to incorporate these mitigation measures into our plans to ensure that our commercial and residential development can serve as a model for managing the effects of climate change.

In light of the above, OHA strongly urges the Committees to **PASS** SB1334. Mahalo for the opportunity to testify on this important matter.





COMMITTEE ON HAWAIIAN AFFAIRS  
Senator Maile S. L. Shimabukuro, Chair  
Senator Jarrett Keohokalole, Vice Chair

COMMITTEE ON HOUSING  
Senator Stanley Chang, Chair  
Senator Dru Mamo Kanuha, Vice Chair

Date: Tuesday, February 16, 2021    Time: 1:00 p.m.    Place: Via Videoconference

## **Testimony of Kūpuna for the Mo'opuna**

SB 1334 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.  
**STRONG SUPPORT**

Aloha,

We, Kūpuna for the Mo'opuna, a group of kūpuna Hawaiian homestead farmers committed to the well-being of Hawai'i for the next generations to come, **are in strong support of SB 1334.**

SB 1334 will support the Office of Hawaiian Affairs as it seeks to properly steward its 30 acres in Kaka'ako Makai, maximizing benefits on these parcels received to resolve past due income from the Public Land Trust (PLT) owed by the State to PLT beneficiaries.

**We urge these Committees to PASS SB 1334.** Mahalo.

*Ua mau ke ea o ka 'āina i ka pono!*

# O'ahu Island Parks Conservancy

## SENATE COMMITTEE ON HAWAIIAN AFFAIRS

Senator Maile S.L. Shimabukuro, Chair

Senator Jarrett Keohokalole, Vice Chair

## SENATE COMMITTEE ON HOUSING

Senator Stanley Chang, Chair

Senator Dru Mamo Kanuha, Vice Chair

Monday, February 16, 2021

1:00 PM Hearing

### Senate Bill 1334

### Relating to the Hawaii Community Development Authority

Aloha Senate Committee Co-Chairs and Committee Members:

Senate Bill 1334 proposes to repeal the long-standing protective statute that was enacted to preclude residential development in Kaka'ako Makai to ensure that this shoreline area will remain open and accessible to all. Repealing the protective statute for this shoreline area makai of Ala Moana Boulevard will surely set a dangerous precedent for Hawai'i's land use laws overall.

OHA was seemingly short-changed when a 30-acre portion of Kaka'ako Makai was offered to OHA and accepted, a portion of which is a toxic hot-spot comprised of incinerator fill within an area that was once a thriving Hawaiian fishpond. In order to compensate for the shortcomings of this shoreline-zoned area, OHA has understandably struggled and endured challenges to achieve their objectives to support Hawaiian beneficiaries, and their corporate objectives of highest and best use by attempting to repeal the protective statute governing this shoreline area, HRS 206E-31.5:

**§206E-31.5 Prohibitions.** Anything contained in this chapter to the contrary notwithstanding, the authority is prohibited from: . . . (2) Approving any plan or proposal for any residential development in that portion of the Kakaako community development district makai of Ala Moana boulevard and between Kewalo Basin and the foreign trade zone. [L 2006, c 317, §1; am L 2014, c 61, §9]

Clearly the State Legislature did not permit repeal of this protective statute when first attempted, nor should this reversal be undertaken now or in the future.

Significantly, there appears to be a far better path for all concerned: the State Legislature by Resolution must encourage OHA to seek assistance from the State Office of Planning to determine the appropriately zoned State lands in central urban Honolulu to exchange in renewed compensatory value for their six (6) parcels in Kaka'ako Makai to develop to highest and best use in the quest to support the Hawaiian beneficiaries and OHA's programs and services. Such an exchange has been recommended to OHA by State Legislators since their first attempt to extinguish Kaka'ako Makai's protective statute.

The remainder of OHA's acreage in Kaka'ako Makai might also benefit significantly from the Guiding Principles for Kaka'ako Makai adopted by the Hawaii Community Development Authority in 2011:

Beginning in 2005 and extending through 2010, representatives of the larger community throughout O'ahu, including Hawaiian cultural practitioners and educators, park users and shoreline surfers, representatives of the performing arts and sustainable agriculture, community leaders and residents of Honolulu communities from Downtown through Kaka'ako to Manoa through Hawaii Kai, comprised the Kaka'ako Makai Community Planning Advisory Council, the community-based planning group authorized by the Hawaii State Legislature to engage in planning the future of Kaka'ako Makai. This highly organized effort produced the Kaka'ako Makai Master Plan that was ultimately adopted by the Hawaii Community Development Authority in 2011.

The Vision and Guiding Principles serving as the foundation for the Kaka'ako Makai Master Plan adopted by the HCDA are as follows:

### **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.<sup>1</sup>

Emphasize the host Hawaiian culture.<sup>2</sup>

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.

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<sup>1</sup> 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.

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

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.

### **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.<sup>3</sup>

Ensure planning and development safeguards to identify, document, retain, restore and protect makai-mauka and diamond head-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 spaces<sup>4</sup> 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.

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

<sup>4</sup> Inclusive of Kewalo Basin Park, Kaka‘ako Waterfront Park and Kaka‘ako Gateway Park.

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.

### **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.<sup>5</sup>

### **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,<sup>6</sup>

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;<sup>7</sup>

Restore the site-dependent use of Kewalo Basin Cove to the Kewalo Keiki Fishing Conservancy.<sup>8</sup>

### **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 Harbor<sup>9</sup> 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.

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<sup>5</sup> 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.

<sup>6</sup> §206E-31.5, Hawaii Revised Statutes.

<sup>7</sup> HCR 30, 2006.

<sup>8</sup> Act 3, 2007, Special Session.

<sup>9</sup> §206E-33(2), Hawaii Revised Statutes.

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.<sup>10</sup>

### **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.<sup>11</sup>

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.<sup>12</sup>

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.<sup>13</sup>

Ensure a community center for local families to gather, interact and learn from each other.

### **Small Local Businesses**

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.<sup>14</sup>

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.<sup>15</sup>

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.

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<sup>10</sup> 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.

<sup>11</sup> §206E-34(d)(3), Hawaii Revised Statutes.

<sup>12</sup> §206E-34(d)(5), Hawaii Revised Statutes.

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

<sup>14</sup> §206E-34(d)(2), Hawaii Revised Statutes.

<sup>15</sup> 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.

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.<sup>16</sup>

### **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 management<sup>17</sup> 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.<sup>18</sup>

### **Conclusion:**

With planning appropriate to Kaka‘ako Makai’s present land use laws and zoning regulations, and the recommended renewed compensatory land exchange in Honolulu’s central urban area with its existing highest-and-best-use zoning, OHA’s remaining vast portion of Kaka‘ako Makai can achieve many of the objectives and elements of the adopted Kaka‘ako Master Plan to compatibly thrive as a shoreline asset that showcases Native Hawaiian identity, contributes to the Hawaiian cultural revitalization of Honolulu, and generates revenues to support needed programs and services for Hawaiian beneficiaries.

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

<sup>17</sup> §206E-34(c)(3), Hawaii Revised Statutes.

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

Respectfully submitted,  
Michelle S. Matson  
President, O'ahu Island Parks Conservancy





Senate Committee on Hawaiian Affairs  
Senate Committee on Housing

*Pō‘alua, Pepeluali 16, 2021*

*Via Wikiō*

*Ke Kapikala Moku ‘āina*

415 South Beretānia Street

Re: SB 1334 - Relating to the Hawaii Community Development Authority

*Aloha Luna Ho‘omalu Maile Shimabukuro, Hope Luna Ho‘omalu Jarrett Keohokalole, Luna Ho‘omalu Stanley Chang, Hope Luna Ho‘omalu Dru Mamo Kanuha and members of the Senate Committees on Hawaiian Affairs and Housing:*

The Association of Hawaiian Civic Clubs **SUPPORTS** the intent of SB1334. This bill will help the State better fulfill its trust responsibilities to the Native Hawaiian community, by enabling OHA to enhance its revenue generating capacity of parcels transferred to it through Act 15 (2012) in line with that partial settlement of the overdue Public Land Trust revenues owed to the Native Hawaiian people.

The Association of Hawaiian Civic Clubs advocates for the Office of Hawaiian Affairs and for Native Hawaiians to access their constitutionally guaranteed share of Public Land Trust resources as administered through OHA programs. Our long-standing track record of this advocacy is evident in resolutions we’ve adopted at our annual conventions. Most recently:

- In 2007, at its 48th annual convention, the Association adopted resolution 07-01 whereby the Association urged OHA and the State Executive to negotiate a settlement regarding the income and proceeds form the Public Land Trust and for the legislature to approve that settlement

- In 2012, at its 53rd annual convention, the Association adopted resolution 12-18 whereby the Association reaffirmed its support of the Native Hawaiian public and private Alii trusts, including the Office of Hawaiian Affairs.
- In 2013, at its 54th annual convention, the Association adopted resolution 13-29 whereby the Association urged the State and the United States to develop and establish a foreign trade zone licensed to OHA at certain Kakaako Makai parcels conveyed to the OHA under Act 15 (2012), to increase OHA's revenue generating capacity.
- In 2019, at its 60th annual convention, the Association adopted resolution 2019-58 whereby the Association called for the State to provide Native Hawaiians with their fair share of the Public Land Trust revenue.

Thus, the Association respectfully urges the committees to **PASS** SB1334.

The civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalaniana'ole with the creation of the Hawaiian Civic Club; the Association was formally organized in 1959 and has grown to a confederation of over sixty (60) Hawaiian Civic Clubs located throughout the State of Hawai'i and the United States. The Association is the oldest Hawaiian community-based grassroots organization. The Association is governed by a 16-member Board of Directors; advocates for improved welfare of Native Hawaiians in culture, health, economic development, education, social welfare, and nationhood; and perpetuates and preserves language, history, music, dance and other Native Hawaiian cultural traditions.

*Mahalo* for allowing us to share our *mana* 'o.

*Me ka 'oia 'i'o,*



Hailama Farden

*Pelekikena*

# ***ASSOCIATION OF HAWAIIAN CIVIC CLUBS***

## ***A RESOLUTION***

07-01

### **STRONGLY URGING THE OFFICE OF HAWAIIAN AFFAIRS AND THE HAWAII STATE EXECUTIVE BRANCH TO NEGOTIATE A SETTLEMENT REGARDING THE INCOME AND PROCEEDS FROM THE PUBLIC LAND TRUST AND FOR THE LEGISLATURE TO APPROVE THAT SETTLEMENT**

WHEREAS, the Office of Hawaiian Affairs (OHA) was created to work for the betterment of conditions of native Hawaiians and Hawaiians (HRS §10-3(1)), and this work was to be funded in part by twenty per cent of all revenue derived from the public land trust (HRS §10-13.5); and

WHEREAS, OHA has had to repeatedly litigate and negotiate to receive those revenues, and the lack of a full, fair, timely, and just payment of said revenues has negatively impacted OHA's ability to fulfill its purpose and mission; and

WHEREAS, in a decision resulting from said litigation Trustees of the Office of Hawaiian Affairs v. Yamasaki, 69 Haw. 154, 737 P.2d 446 (1987)), the Hawaii Supreme Court concluded that the issue of what constitutes the OHA's pro rata portion of all the income and proceeds derived from the public land trust pursuant to Article XII, Section 6 of the Hawaii Constitution, is a political question for the legislature to determine; and

WHEREAS, in response to said Yamasaki decision, the legislature enacted Act 304, Session Laws of Hawaii 1990, to clarify the extent and scope of the State's constitutional obligation to provide a portion of the funds derived from the public land trust to OHA; and

WHEREAS, on September 12, 2001, the Hawaii Supreme Court ruled in Office of Hawaiian Affairs v. State of Hawaii, 96 Haw. 388, 31 P.3d 901 (2001), that Act 304 was effectively repealed by its own terms, so that once again, it was necessary for the legislature to specify what portion of which funds, from which lands OHA was to receive under the State Constitution; and

WHEREAS, in said decision, the Supreme Court affirmed the ruling in Yamasaki, observing:

(T)he State's obligation to native Hawaiians is firmly established in our constitution. How the State satisfies that constitutional obligation requires policy decisions that are primarily within the authority and expertise of the legislative branch. As such, it is incumbent upon the legislature to enact legislation that gives effect to the right of native Hawaiians to benefit from the ceded lands trust. (See) Haw. Const. art. XVI, §7. . . we trust that the legislature will re-examine the State's constitutional obligation to native Hawaiians and the purpose of HRS §10-13.5 and enact legislation that most effectively and responsibly

meets those obligations. *Office of Hawaiian Affairs v. State of Hawai'i*, 96 Haw. at 401, 31 P.3d at 914 [citations omitted; emphasis in original]; and

WHEREAS, the Hawaii Supreme Court affirmed the Yamasaki decision again in 2006 (OHA v. State of Hawaii, 110 Haw. 338; 133 P.3d 767 (2006)) and reiterated the legislative obligation to native Hawaiians; and

WHEREAS, in Act 178, Session Laws of Hawaii 2006, the legislature determined that until it may be changed in the future, the income and proceeds from the pro rata portion of the public land trust under article XII, section 6, of the State constitution for expenditure by OHA for the betterment of the conditions of native Hawaiians for each fiscal year beginning with fiscal year 2005-2006 shall be \$15,100,000; and

WHEREAS, in Act 178, the legislature also appropriated \$17,500,000 to pay to OHA amounts received from the use of lands in the public land trust that the legislature has determined were underpaid between July 1, 2001, through June 30, 2005; but that "Nothing in [Act 178] shall resolve or settle, or be deemed to acknowledge the existence of, the claims of native Hawaiians to the income and proceeds of a pro rata portion of the public land trust under article XII, section 6, of the state constitution"; and

WHEREAS, Act 178 effectuated most of the agreement that OHA and the executive branch reached after more than a year of negotiations; and

WHEREAS, as Act 178 represented only part of the work to be completed, and it did not address other past due amounts, OHA and the executive branch have moved ahead with additional negotiations; and

WHEREAS, settlement of the income and proceeds due to OHA is not a settlement of ceded lands claims, overthrow claims, or any other claims the Hawaiian people may be entitled to under U.S. law or international law; and

WHEREAS, the Association of Hawaiian Civic Clubs believes that it is in the best interest of OHA, its beneficiaries, the State and all citizens of Hawai'i that a fair and just settlement be attained by negotiation and passage by the legislature;

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs in its 48<sup>th</sup> Annual Convention at Anchorage, Alaska on this 19<sup>th</sup> day of October 2007, that it strongly urges the Office of Hawaiian Affairs and the Hawai'i State Executive Branch to negotiate a settlement regarding the income and proceeds from the public land trust and for the legislature to approve that settlement; and

BE IT FURTHER RESOLVED, that in crafting any proposed settlement, the parties are urged to be realistic, thoughtful, thorough, reasonable, and creative so as to enhance the prospects of an enduring settlement; and

BE IT FURTHER RESOLVED, that a settlement should include and consider:

(1) The legal foundation for the State's obligation to allocate a pro rata portion of the income and proceeds from the public land trust to OHA;

(2) The history and chronology of the efforts to implement and satisfy this obligation, for example the laws enacted, the litigation pursued, the past and current negotiations undertaken, and all amounts previously paid; and

(3) As appropriate, a mixture of cash to be paid to OHA and State real estate to be conveyed to OHA; and

BE IT FURTHER RESOLVED, that the parties should present that settlement not later than twenty days prior to the convening of the Regular Session of 2008; and

BE IT FURTHER RESOLVED, that the legislature should pass such a settlement in order to embrace their obligations that have been repeatedly stated by the Supreme Court of the State of Hawaii; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Attorney General, and the Chairperson of the Board of Land and Natural Resources.



The undersigned hereby certifies that the foregoing Resolution was duly adopted on November 30, 2007, at the 48<sup>th</sup> Annual Convention of the Association of Hawaiian Civic Clubs at Anchorage, Alaska

  
\_\_\_\_\_  
President

***ASSOCIATION OF HAWAIIAN  
CIVIC CLUBS***

***A RESOLUTION***

12 - 8

**REAFFIRMING SUPPORT OF THE NATIVE HAWAIIAN PUBLIC AND  
PRIVATE ALII TRUSTS BY THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS**

WHEREAS, in English Common Law a trust is defined as tangible or intangible property held to benefit others; and

WHEREAS, with much foresight, understanding and love for their people, Hawaii's Alii created private trusts from their estates to benefit the Native Hawaiian people in fundamental conditions of life; and

WHEREAS, King Lunalilo left his estate to care for Hawaiian elderly, Princess Pauahi's trust is for educational purposes, Kamehameha III and Queen Emma created a trust addressing the health of Hawaiians and Queen Liliuokalani left a trust to care for orphaned and half orphaned Hawaiian children; and

WHEREAS, despite the betrayals and overthrow of the Kingdom, and although he had no estate to share, in keeping with alii tradition, the legacy of Prince Kuhio as Delegate to Congress in 1920 was the creation of the Hawaiian Home Lands, providing a portion of ceded lands for Hawaiians of thirty two percent blood quantum; however, the blood quantum requirement was amended to fifty percent blood quantum by unfriendly members of Congress and remains at fifty percent today; and

WHEREAS, when Hawaii became a State of the Union in 1959, one of the conditions of the Admissions Act, was that the State had to accept the public trust obligations of the Hawaiian Homes Commission Act under its State Constitution, including the fifty percent blood quantum requirement as defined in Section 5(f) of the Admissions Act; and

WHEREAS, in 1978, in acknowledgement of Hawaiians as Hawaii's native people, another public trust was created when the Office of Hawaiian Affairs(OHA) was constitutionally and statutorily confirmed using the same blood quantum requirements as defined in the Admissions Act whose beneficiaries are also defined in Hawaii Revised Statutes, Chapter 10-2 as native Hawaiians and Hawaiians; and

WHEREAS, the State Legislature agreed to provide a twenty percent portion of revenues generated on ceded lands to OHA for the provision of programs, projects and advocacy for the betterment of conditions of the Hawaiian and native Hawaiian people; and

WHEREAS, the Legislature acknowledged that native Hawaiians are identified only as those of fifty percent blood quantum, and provides a limited sum of general funds of the State for operational, administrative and other expenses for Native Hawaiians, or those of less than fifty percent blood quantum; and

WHEREAS, the alii and public trusts have been consistently challenged in court and will continue to be challenged by hostile persons who believe they should share in the trust benefits and/or that Hawaiians are not deserving of such largesse; and

WHEREAS, suits brought against the alii and public trusts have been extremely costly and created much ill will, and the trusts have had to be constantly vigilant to fend off such attacks and even the possibility thereof; and

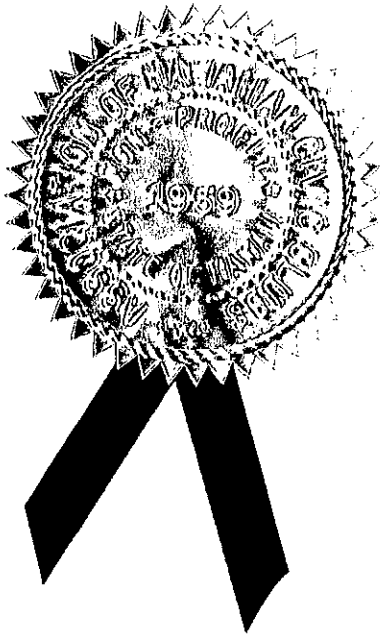
WHEREAS, in keeping with Prince Kuhio's intent when he and a group of prominent Hawaiians founded the first civic club in 1918 to support the Hawaiian Homes legislation and protect vestiges of the Kingdom, the Association of Hawaiian Civic Clubs has strongly supported rules and requirements set by the trustees of the alii and public trusts at the legislature, in the Congress, in the public and in the courts; and

WHEREAS, on those few occasions when there has been disagreement on issues we have worked with trustees, commissioners and administrations to resolve things amicably "among the family" to preserve Hawaiian solidarity.

NOW THEREFORE BE IT RESOLVED, that the membership of the Association of Hawaiian Civic Clubs, meeting at convention in Washington, D.C. this 20<sup>th</sup> day of October, 2012, Reaffirms support of the private ali'i and public trusts, while reserving the right to make meaningful inquiries and/or to engage in constructive dialogue as needed; and

BE IT FURTHER RESOLVED, that certified copies of this resolution shall be transmitted to the Chairperson of the Board of Trustees of Kamehameha Schools, Chairperson of the Board of Trustees of Lunalilo Estate, Chairperson of the Board of Trustees of the Queen Liliuokalani Estate, Chairperson of the Board of Trustees of the Office of Hawaiian Affairs and Chairperson of the Department of Hawaiian Home Lands; and

BE IT FURTHER RESOLVED, that the aforesaid Chairpersons are requested to share copies of this resolution with their respective Trustees and Commissioners in anticipation of a creative discussion to protect the Trusts and benefits for qualified beneficiaries.



The undersigned hereby certifies that the foregoing Resolution was duly adopted on the 20<sup>th</sup> day of October 2012, at the 53rd Annual Convention of the Association of Hawaiian Civic Clubs in Washington; D.C.

A handwritten signature in black ink, appearing to read 'Sulee L.K.O. Stroud', written over a horizontal line.

Soulee L.K.O. Stroud, President



**ASSOCIATION OF HAWAIIAN  
CIVIC CLUBS**

**A RESOLUTION**

13 - 29

**URGING THE STATE OF HAWAII AND THE UNITED STATES TO DEVELOP AND  
ESTABLISH A FOREIGN TRADE ZONE LICENSED TO THE OFFICE OF  
HAWAIIAN AFFAIRS AT CERTAIN KAKAAKO MAKAI PARCELS CONVEYED TO  
THE OFFICE OF HAWAIIAN AFFAIRS UNDER ACT 015 (12)**

WHEREAS, the Office of Hawaiian Affairs (OHA) is established as a public trust with a mandate for the betterment of conditions for native Hawaiians and Hawaiians as described in HRS § 10-1; and

WHEREAS, the Office of Hawaiian Affairs' Vision is Ho`oulu Lahui Aloha-To Raise a Beloved Nation; and

WHEREAS, OHA is a semi-autonomous corporate body, separate and independent of executive branch of the State of Hawaii serving as trustee to receive and administer proceeds from the ceded lands trust pursuant to Act 304 (1990); and

WHEREAS, the conveyance of the Kakaako Makai parcels under Act 015 (12) seeks to settle claims regarding income and proceeds to the OHA trust from November 7, 1978 to June 30, 2012 and prohibits any further claims regarding income and proceeds from lands identified in sections 4 and 6, of Article XII of the Hawai'i State Constitution will have the potential of restricting OHA's claim to and any future funding from the State; and

WHEREAS, the best use of these lands is development of commercial, income generating properties to provide revenue, with a strong potential for increasing revenues, to increase the value of the native Hawaiian trusts that benefit native Hawaiians and Hawaiians; and

WHEREAS, the establishment of economic activities with a potential for international relationships is essential to nation-building; and

WHEREAS, Foreign Trade Zones (FTZ) provide an opportunity for the development of international trade agreements as well as generating revenue and providing opportunities to benefit OHA, native Hawaiians, Hawaiians and the State of Hawai'i; and

WHEREAS, FTZ, as an economic activity, allows the deferral of customs duty for Foreign merchandise until that merchandise enters U.S. Customs territory or merchandise may avoid customs duty by not entering the territory but being exported from the FTZ; and

WHEREAS, in an FTZ, a manufacturer may take advantage of the Tariff Schedule of the United States by considering differences in duty rates between components and finished manufacture by assembling components into a final product that may have a lower duty than its component parts, and

WHEREAS, in an FTZ, if there are import quotas on merchandise entering a US Customs Territory and the restrictions apply, merchandise may be stored in an FTZ until a new quota period or export merchandise can be processed for export markets, taking advantage of the differences between US prices and world prices for ingredients or components, and

WHEREAS, FTZ warehouse and marshalling yards are “ultra secure” facilities pursuant to US Customs requirements and federal criminal laws and regulations resulting in lowered security and insurance costs for importers, exporters, processors and manufacturers of goods, and

WHEREAS, products and goods manufactured in FTZs may, if certain requirements are met, qualify for “Made in USA” and “Made in Hawai‘i” labeling; and

WHEREAS, in an FTZ, certain drawback costs and delays may be avoided, a manufacturer may receive a 99% refund of duty paid on an imported component that is subsequently incorporated in an exported product, full duty is paid at the import of the component and the manufacturer declares what will be exported in manufactured form to qualify for drawback, FTZ users can avoid these costs or merchandise can be imported under “Zone Restricted” status speeding up the drawback process,

Zone-Restricted (ZR) Status is given to merchandise brought into an FTZ from the Customs Territory for the purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors) or storage. The merchandise is considered exported and cannot be returned to the Customs territory for consumption unless the Board rules specifically that its return is in the public interest. Zone-restricted status merchandise may not be manipulated, manufactured, processed or assembled in a zone; and

WHEREAS, FTZ users may avoid bonded warehouse limitations, i.e., importers may need to post a bond and have a time-limited use of warehousing. FTZ users post no bond and merchandise may remain in the zone indefinitely; and

WHEREAS, goods stored in a FTZ for bona fide Customs reason may avoid State and local ad valorem taxes until it enters the Customs territory; and

WHEREAS, operating an FTZ will provide an opportunity for economic development, international trade and commerce participation, import/export banking opportunities, i.e., risk protection, letters of credit for international trade, credit lines and bridge funding to support import and export activities, performance and bid bonding and collateralization of inventory; and

WHEREAS, participation in foreign and international trade is an activity that will strengthen the nation building of our beloved nation through international trade and commerce.

NOW, THEREFORE BE IT RESOLVED by the Association of Hawaiian Civic Clubs at its 54<sup>th</sup> Annual Convention at Kalapaki Beach, this 16<sup>th</sup> day of November 2013, urging the State of Hawai'i and the United States to develop and establish a foreign trade zone licensed to the Office of Hawaiian Affairs at certain Kakaako Makai parcels conveyed to the Office of Hawaiian Affairs under Act 015 (12); and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be given to the Governor of Hawaii, State Senate President, State Speaker of the House, State Senate Committee on Hawaiian Affairs, State House Committee on Hawaiian Affairs, Office of Hawaiian Affairs Chair of the Board of Trustees, all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted on the 16<sup>th</sup> day of November 2013, at the 54<sup>th</sup> Annual Convention of the Association of Hawaiian Civic Clubs at Kalapaki Beach, Kaua'i, Hawai'i

  
Annelle C. Amaral, Acting President

# ***ASSOCIATION OF HAWAIIAN CIVIC CLUBS***

## ***A RESOLUTION***

No. 2019 - 58

### **URGING THE STATE OF HAWAI'I TO PROVIDE NATIVE HAWAIIANS WITH THEIR FAIR SHARE OF THE PUBLIC LAND TRUST REVENUE**

WHEREAS, Native Hawaiians are the indigenous people of the Hawaiian archipelago and have never given up their inherent right of self-determination nor their claims and rights to their land; and

WHEREAS, after the illegal overthrow of Queen Lili'uokalani's government and the establishment of the Republic of Hawai'i in 1894, the republic claimed the Crown Lands and merged the Government and Crown Lands into the "public lands" through the 1895 Land Act; and

WHEREAS, in 1898, the Republic of Hawai'i transferred over 1.8 million acres of Government and Crown Lands to the United States under the Newslands Joint Resolution; and

WHEREAS, when Hawai'i became a state in 1959, most Government and Crown Lands, including those lands included as part of the Hawaiian Homes Commission Act, were transferred to the State of Hawai'i, however the United States retained use and control of over 375,000 acres of land; and

WHEREAS, as part of the incorporation of Hawaii as a state of the Union, in section 5(f) of the Admissions Act the State of Hawaii's public trust responsibilities to Native Hawaiians is clarified whereby "[t]he lands granted to the State of Hawai'i... shall be held by said State as a public trust for the support of ...native Hawaiians."; and

WHEREAS, in 1978, the people of Hawai'i overwhelmingly ratified amendments to the constitution including Article XII, Section 4, that confirmed the state's Public Trust responsibilities; Section 5 that established the Office of Hawaiian Affairs (OHA); and Section 6 which requires the OHA Trustees to manage and administer income and proceeds from a variety of sources, including a "pro rata portion" of the public land trust; and

WHEREAS, the Hawai'i State Constitution does not define what percentage of the public land trust income and proceeds OHA should receive on behalf of Native Hawaiians because that determination was left to the Hawai'i State Legislature; and

WHEREAS, the Hawai'i State Legislature determined that Native Hawaiians should get at least 20 percent of the Public Land Trust revenue (Hawai'i Revised Statutes §10-13.5); and

WHEREAS, in a joint resolution adopted by the 103<sup>rd</sup> Congress of the United States, signed into law as Public Law 103-150, November 23, 1993, the U. S. Congress apologized to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawai'i; and

WHEREAS, Act 178, Session Laws of Hawai'i 2006, temporarily established OHA's pro rata share of the income and proceeds of the public land trust for the betterment of the conditions of Native Hawaiians at \$15,100,000 annually, and required state agencies to report public land trust revenues to the legislature each year; and

WHEREAS, based on the annual accounting of the amounts derived from the public trust and additional research commissioned by OHA of receipts from the Public Land Trust in fiscal year 2015-2016, OHA has determined the minimum amount of applicable total gross public land trust receipts to be at least \$174,816,220 in fiscal year 2015-2016, for undisputed revenues and 20 percent of that income is \$34,963,244; and

WHEREAS, the Hawai'i Supreme Court has repeatedly held that the legislature has a constitutional obligation to clarify the pro rata portion of revenues derived from the public land trust to which OHA is entitled to for the benefit of Native Hawaiians under Article XII, Sections 4 and 6 of the Hawai'i State Constitution; and

WHEREAS, the pro rata share owed to Native Hawaiians from the Public Land Trust revenue is not a handout, a race base benefit, nor a privilege, but is their fair share of the trust lands that they collectively hold claim over and rights as recognized by the State and Federal governments; and

WHEREAS, the pro rata share owed is indisputably at least 20 percent of the total revenues of the Public Land Trust which is estimated to be at least \$34,963,244 as of State Fiscal Year 2015-2016.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 60th Annual Convention in Lahaina, Maui, in the malama of Welehu and the rising of Lā'au Pau, this 16th day of November 2019, urging the State of Hawai'i to provide Native Hawaiians with their fair share of the Public land trust revenue; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Governor of the State of Hawai'i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate Committee on Hawaiian Affairs, Chair of the State House Committee on Water, Land, and Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of Welehu and the rising of Lā'au Pau on the 16<sup>th</sup> day of November 2019, at the 60th Annual Convention of the Association of Hawaiian Civic Clubs in Lahaina, Maui.

---

Hailama V. K. K. Farden, President

**Testimony in Strong Opposition of SB1334**  
Relating to the Hawaii Community Development Authority  
Tuesday, February 16, 2021  
1:00 PM Hearing

COMMITTEE ON HAWAIIAN AFFAIRS

Senator Maile S.L. Shimabukuro, Chair  
Senator Jarrett Keohokalole, Vice Chair

COMMITTEE ON HOUSING

Senator Stanley Chang, Chair  
Senator Dru Mamo Kanuha, Vice Chair

**Testimony in Strong Opposition to SB1334 that would allow residential development in Kaka’ako Makai.**

My name is Wayne Takamine, a founding member and chair of the Kaka’ako Makai Community Planning Advisory Council (CPAC). My background in Kaka’ako Makai goes back to 2005 when the Hawaii Community Development Authority (HCDA) presented a condominium development RFP for Kaka’ako Makai. Soon after, public outcry in opposition to the Kaka’ako Makai residential development plan created a whirlwind of controversy that forced the 2006 legislature to approved HB2555 that prohibited the HCDA from any residential planning in Kaka’ako Makai and prohibited the sale of state land in the Kaka’ako district. The legislature also adopted HCR34 (2006) that required the HCDA to adopt an Advisory Working Group (AWG) of community groups and individuals to work in collaboration to create the Kaka’ako Makai Master Plan. This AWG became CPAC and in 2011, CPAC presented the Kaka’ako Makai Master Plan to the HCDA Board that was unanimously approved. Of note: During the CPAC Kaka’ako Makai Master Plan process, surveys were taken of various concepts for Kaka’ako Makai and residential development was consistently near the bottom of the list.

The Master plan includes projects like the Museum for Hawaiian Music and Dance (\$35MM), Community Center (\$10MM), Performing Arts Venue (\$55MM). If these 3 projects were implemented by OHA they could have added \$100 million in value to its property along with jobs and cultural pride the Hawaiian Community. OHA can still seek federal and state subsidies and grant money to plan and develop projects related to a Hawaiian Community Cultural Center to augment any fundraising activities.

During the 2012 legislative approval process for the OHA Ceded Land Settlement (SB2783 2012), OHA and the HCDA acknowledged in public testimony that the value “as is” of the Kaka’ako Makai land exchange was equal to the \$200 million without any changes to the law prohibiting the sale of state land in Kaka’ako and the prohibition of the planning and development or residential in Kaka’ako Makai (HRS 206E 31.5). Also introduced was SB3122 to allow OHA residential development in Kaka’ako Makai. At the SB3122 hearing by the Senate Hawaiian Affairs and Economic Development and Government Operations and Housing Committees, a prominent Hawaiian Affairs Committee senator suggested, “If the issue is housing for Hawaiians, land outside of Kaka’ako Makai could and may still be considered.” The senator also emphasized in 2012 when considering the OHA Ceded Land Settlement bill SB2783, residential development in Kaka’ako Makai was not on the table.

On July 30, 2013, OHA held a Kaka’ako Makai charrette facilitated by a local consultants and the overall theme was from the onset was to create a strategy for residential development entitlements. The charrette did not revisit the Kaka’ako Makai Master Plan and its Vision and Guiding Principles approved by the HCDA in 2011 or consider building a Hawaiian Community Cultural Center.

On February 8, 2014, HB2554 was introduces to the legislature again asking to allow OHA residential entitlements. During the House Committee hearing on Ocean Marine Resources & Hawaiian Affairs and

Committee on Water and Land, the State Attorney General voiced in testimony with strong concerns that HB2554 is not in accordance with the state constitution. They stated that this bill will place a cloud over Kaka'ako Makai residential development projects that will open the door for lawsuits. In 2014 when OHA last attempted to repeal the prohibition of residential in Kaka'ako Makai, a Honolulu advertiser poll showed 67% against allowing OHA to build residential. HB2554 ultimately met its demise by the end of the 2014 legislative session.

Affordable housing was discussed several times over the years and the consensus was that unit prices would be out of touch for most of the middle class in Hawaii and the fact SB1334 suggests OHA may lose ownership to third party developers or tenant owners. The revenue OHA would gain from SB1334 would not be sustainable over the years and even in a rent/lease arrangement would result in a probable lease to fee simple conversion. In retrospect, the failed 2005 HCDA Condominium RFP would have sold Kaka'ako Makai land for the condos in partial exchange for the development.

If OHA were to move forward in developing the Kaka'ako Makai Master Plan concepts for the benefit of the Hawaiian Communities, these projects could help strengthen its communities by presenting project goals that will generate synergies within their communities to overcome challenges in the creation of these facilities and programs. OHA could then seek commercial partnerships with businesses that can manage the facilities to make them financially sustainable. The Hawaiian communities would benefit by perpetually owning these facilities and having access to 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.

As the spokesman for CPAC we strongly urge that SB1334 and any bill with residential development in Kaka'ako Makai be denied approval. I believe a good business plan will allow OHA will make sustainable revenue from the lands in Kaka'ako Makai for its future generations. Development related toward a Hawaiian Community Center for the preservation of its cultural heritage would bring the highest returns for the Hawaiian community. Planning and Negotiations by OHA suggested by HR 171/HCR 219, and HR 124/HCR 164 may prove to create better value its Hawaiian Community.

Respectfully,

Wayne Takamine M.B.A.  
Founding Member and Chair  
Kaka'ako Makai Community Planning Advisory Council (CPAC)





**LATE**

**TO:** Senator Maile S.L. Shimabukuro, Chair  
Senator Jarrett Keohokalole, Vice Chair  
Committee on Hawaiian Affairs (HWN)

Senator Stanley Chang, Chair  
Senator Dru Mamo Kanuha, Vice Chair  
Committee on Housing (HOU)

**FROM:** Kiersten Faulkner, Executive Director  
Historic Hawai'i Foundation

**Committee:** Tuesday, February 16, 2021  
1:00 p.m.  
Via Video Conference

**RE: SB 1334, Relating to the Hawai'i Community Development Authority**

On behalf of Historic Hawaii Foundation (HHF), I am writing with **comments and recommended amendments for SB 1334**. The bill would allow the raising of the building height limit for parcels owned by the office of Hawaiian affairs in the Kaka'ako Makai area and lift the restriction against residential development for the parcels.

Historic Hawai'i Foundation is a statewide nonprofit organization established in 1974 to encourage the preservation of historic buildings, sites, structures, objects and districts on all the islands of Hawai'i. As the statewide leader for historic preservation, HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life, environmental sustainability and economic viability of the state.

HHF is concerned about the proposed level of development and how it would affect existing historic properties. We are particularly concerned about the two parcels where additional height would be allowed, as one includes an existing historic building and the other has historic site features and is adjacent to two historic buildings.

HHF differentiates the issues of use (residential or non-residential) and scale (including height, mass and lot coverage). Although it is common to assume all residential use in this setting must be high-rise, that is not accurate. It would be possible to develop low- and mid-rise residential units that fit within height restrictions. With appropriate scale and mass parameters and other design requirements in place, HHF would not have the same level of concern with housing development in Kaka'ako Makai. However, those

controls are not in place and therefore the proposed bill would open the way for overdevelopment and impact on historic and cultural resources.

The subject parcels are identified by Tax Map Key numbers. The following parcels would be allowed for residential use, with two of the four parcels allowing development to a height of up to 400 feet.

- TMK 2-1-58-6: the bill would allow development up to 400 feet. This parcel at 919 Ala Moana Boulevard includes a historically significant mid-century Modern building, currently occupied by the Hawai'i Department of Safety and the Department of Environmental Health. It was originally the Army and Air Force Exchange Services Building.

Constructed in 1969, the building meets the criteria for listing in the both the Hawai'i and National Registers of Historic Places. The Hawai'i State Historic Preservation Division's Historic Resource Inventory Form, completed as part of an intensive level survey in 2015, found that the building is significant for distinctive characteristics of a type, period or method of construction, the work of a master (architect James C.M. Young) and high artistic values in architecture, engineering and design.

**HHF strongly objects to the proposal to demolish this historic property and allow a 400-foot high tower in its place.** However, HHF would not oppose adaptive reuse to convert the existing office building into a residential use, so long as the historic character-defining features are retained and rehabilitated as part of the development. An example of this kind of reuse for housing can be seen at the nearby Salt development, with the adaptation of a four-story office building into affordable rental housing.

- TMK 2-1-15-61: the bill would allow development up to 400 feet. The majority of the parcel is currently used as surface parking and storage. However, the perimeter is marked by a boundary wall that appears to date to the era when the site was occupied by Fort Armstrong (1899 to 1952). The wall is shown on maps from 1911 and 1919, and is visible in aerial photographs taken in the 1920s. All other buildings and features associated with Fort Armstrong were demolished by 1982, leaving the perimeter wall as the only extant above-ground feature from that era.

In addition, this parcel is immediately adjacent to two historically-significant buildings: the Ala Moana Pumping Station and the U.S. Immigration Station. Both of these properties are listed on the National Register of Historic Places.

The Pumping Station was designed by master architect Oliver Traphagen (who also designed the Moana Hotel) and was constructed in 1900. It is significant for its design and engineering, as well as for association with the public health and environmental management history of Honolulu. It has been rehabilitated and adaptively used for senior services and other community uses.

The Immigration Station was designed by master architect C.W. Dickey and opened in 1934. It is historically significant both for its design (it is frequently cited as one of the most beautiful buildings in Honolulu) and for its association with the history of immigration to Hawai'i. In 2015, a National

Park Service study found that it is nationally significant as part of the history of World War II internment of citizens of Japanese, German and Italian ancestry and recommended that it be listed as a National Historic Landmark.

HHF does not oppose developing low- or mid-rise residential uses on the surface parking lot, provided that the design preserves and retains the historic wall. However, a 400-foot tower would overwhelm the context of site, causing an adverse effect on both the adjacent historic properties. **HHF strongly objects to allowing a 400-foot tower at this location.**

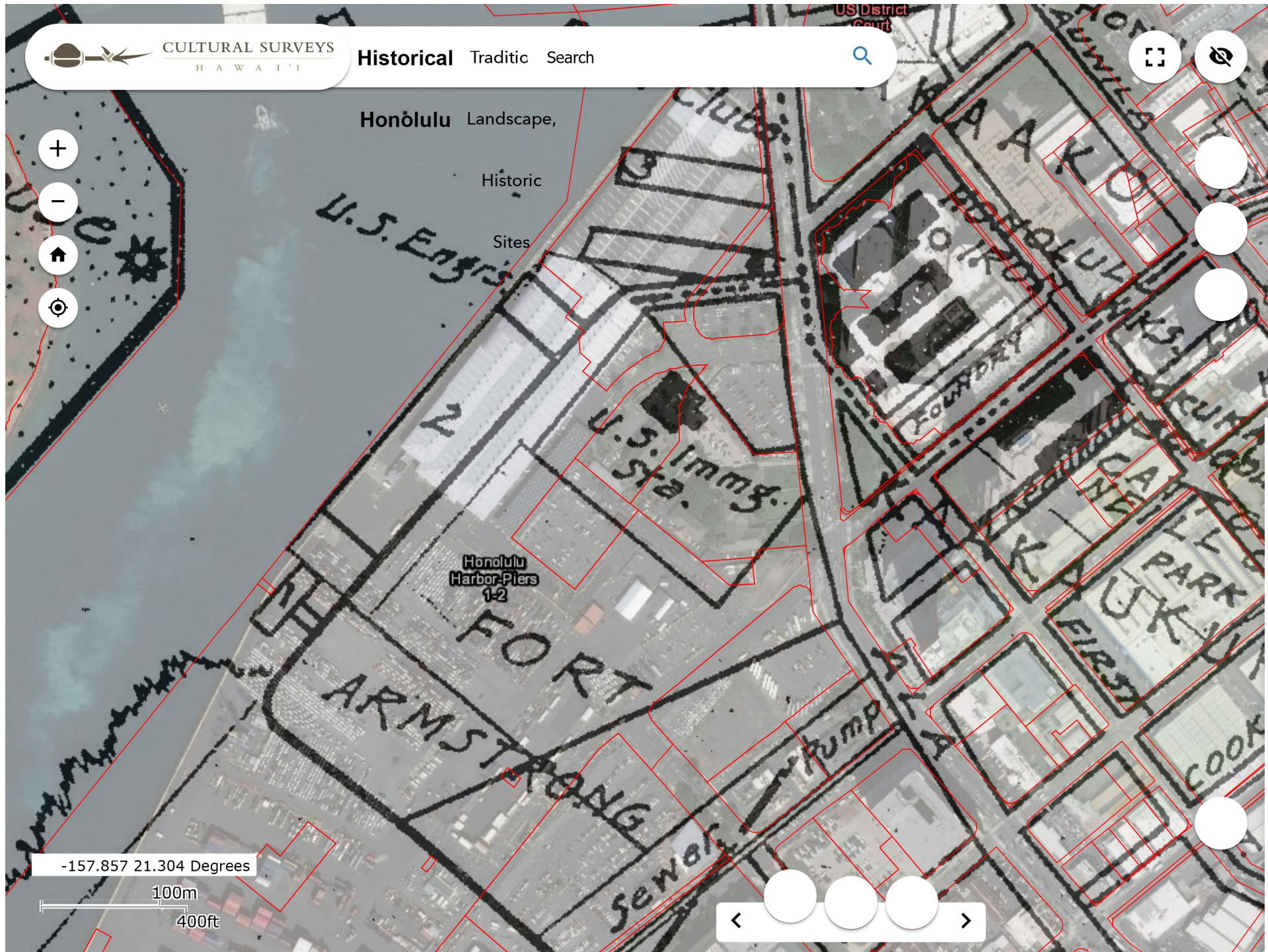
The three additional parcels were also surveyed for historic properties.

- TMK 2-1-58-129: this parcel housed the Fisherman's Wharf restaurant, which was previously demolished. The State Historic Preservation Division's conditions for allowing that demolition to proceed included the requirement that the owners retain the iconic signage. This condition should carry forward into any development proposal.
- TMK 2-1-60-26: the parcel is also known as the Piano Lot and is a surface parking lot. There are no known historic features or conditions for this lot. HHF does not have concerns with development at this location.
- TMK 2-1-15-51: this parcel contains a warehouse and distribution center. The historic resource inventory determined that the building is not eligible for the Hawai'i or National Register of Historic Places. HHF does not have concerns with development at this location.

Livable cities around the world found that preserving human scale and historic value provide for a rich urban environment. A vibrant mix results from retaining historic districts and structures while adding contemporary, well-designed buildings. We encourage a vibrant and renewed Kaka'ako in which historic buildings are preserved, rehabilitated and used for a variety of community services. We envision a future in which there is a livable mix of buildings of different scales in a walkable community, and where residents of all income levels have access to well-built structures and lively gathering spaces punctuating the neighborhood. We would like to see a community that is still recognizable as Kaka'ako.

Cities around the world have integrated smart housing solutions with good urban design, including preserving the past while providing for affordable and mixed-income housing. Honolulu should do the same.

For these reasons, **Historic Hawai'i Foundation respectfully asks the committee to amend the bill to retain the height limits and require preservation of historically-significant buildings, structures, sites and objects.** Thank you for the opportunity to comment.





HAWAII STATE HISTORIC PRESERVATION DIVISION  
HISTORIC RESOURCE INVENTORY FORM – Intensive Level

**FOR SHPD USE ONLY:**

**Site #** [Click here to enter text.](#)

**TMK #** [Click here to enter text.](#)

**I. GENERAL INFORMATION**

Common / Present Name: AAFES Building

Historic Name: Army and Air Force Exchange Services Building

Property Owner: OHA

Address: 919 Ala Moana

City/ Town/ Location: Honolulu

County: Honolulu

TMK: 2-1-058: 006

Subdivision/Neighborhood: Kakaako Makai

Latitude: [Click here to enter text.](#)

Longitude: [Click here to enter text.](#)

Parcel Number: [Click here to enter text.](#)

Historic District: NA

Original Use: office

Current Use: office

Architect/ Builder (if known): James C. M. Young

Date of Construction (if known): 1969

**II. Photograph of Resource**



Prepared By: Don Hibbard

Consulting Firm: Fung Associates, Inc.

Address: 1833 Kalakaua Ave., Suite 1008, Honolulu, HI 96815

Telephone Number: (808)941-3000

Email:tonia@funghawaii.com

Date: September 01, 2015



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**III. CONDITION ASSESSMENT**

Category (select all that apply):

- Building(s)
  - Residential
  - Commercial
  - Educational
  - Public/Civic
  - Religious
- Structure(s)
- Object(s)
- Site(s)/Landscape(s)
- Archaeology or potential for archaeology (Please provide a description of the potential for archaeology within VI. Description of Resource Features below.)

Condition:

- Excellent
- Good
- Fair

---

Eligibility (select all that apply):

- National Register of Historic Places
- State Register of Historic Places
  - Not Eligible
  - Eligible
  - Listed
  - Contributing to Historic District:  
Name of District: [Click here to enter text.](#)
  - Unknown

Criteria of Significance (select all that apply)

- A: Associated with Events
- B: Associated with Significant Person(s)
- C: Distinctive characteristics of a type, period or method of construction; work of a master; possess high artistic values (Architecture, Engineering, Design)
- D: Have yielded or may be likely to yield information important to history or prehistory.



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IV. MAP





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V. DESCRIPTION

Materials (please check those materials that are visible):

Height

- Stories: Four
- Below Ground
- N/A

Other: [Click here to enter text.](#)

Exterior Walls (siding):

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aluminum Siding        | <input type="checkbox"/> Metal                | <input type="checkbox"/> Plywood          |
| <input type="checkbox"/> Asbestos               | <input type="checkbox"/> Shingles-Asphalt     | <input type="checkbox"/> OSB              |
| <input type="checkbox"/> Brick                  | <input type="checkbox"/> Shingles-Wood        | <input type="checkbox"/> Fiberboard       |
| <input type="checkbox"/> Ceramic                | <input type="checkbox"/> Stone                | <input type="checkbox"/> Fiber Cement     |
| <input checked="" type="checkbox"/> Concrete    | <input type="checkbox"/> Stucco               | <input type="checkbox"/> Vinyl Siding     |
| <input type="checkbox"/> Horizontal Wood Siding | <input type="checkbox"/> Vertical Wood Siding | <input type="checkbox"/> Other:           |
| <input type="checkbox"/> Log                    | <input type="checkbox"/> Engineered Siding    | <a href="#">Click here to enter text.</a> |

Roof:

- |   |  |                                       |
|---|--|---------------------------------------|
| <input type="checkbox"/> Asphalt, shingle                                 | <input type="checkbox"/> Slate               | <input type="checkbox"/> Wood Shingle |
| <input type="checkbox"/> Asphalt, roll                                    | <input checked="" type="checkbox"/> Built Up | <input type="checkbox"/> None         |
| <input type="checkbox"/> Metal  | <input type="checkbox"/> Ceramic Tile        |                                       |
| <input type="checkbox"/> Other: <a href="#">Click here to enter text.</a> |  |                                       |

Foundation:

- |   |   |                                      |
|---|---|--------------------------------------|
| <input type="checkbox"/> Brick  | <input checked="" type="checkbox"/> Concrete Slab   | <input type="checkbox"/> Stone       |
| <input type="checkbox"/> Concrete Block                                   | <input checked="" type="checkbox"/> Poured Concrete | <input type="checkbox"/> Raised/Pile |
| <input type="checkbox"/> Other: <a href="#">Click here to enter text.</a> |   |                                      |

Structural Support:

- |   |   |                                       |
|---|---|---------------------------------------|
| <input type="checkbox"/> Baled Hay  | <input type="checkbox"/> Frame-wood         | <input type="checkbox"/> Puddled Clay |
| <input type="checkbox"/> Concrete Block                                   | <input type="checkbox"/> Frame-metal/steel  | <input type="checkbox"/> Rammed Earth |
| <input checked="" type="checkbox"/> Concrete Framed                       | <input type="checkbox"/> Brick-load bearing | <input type="checkbox"/> Sod          |
| <input type="checkbox"/> Concrete Poured                                  | <input type="checkbox"/> Stone-load bearing |                                       |
| <input type="checkbox"/> Other: <a href="#">Click here to enter text.</a> |   |                                       |

Windows:

- |   |                                       |  |
|---|---------------------------------------|--|
| <input type="checkbox"/> Double Hung Sash                                 | <input type="checkbox"/> Jalousie     | <input type="checkbox"/> Stained Glass |
| <input type="checkbox"/> Single Hung Sash                                 | <input type="checkbox"/> Glass Block  | <input type="checkbox"/> Replacement   |
| <input type="checkbox"/> Casement   | <input type="checkbox"/> None/Unknown | <input type="checkbox"/> Aluminum      |
| <input checked="" type="checkbox"/> Fixed                                 | <input type="checkbox"/> Ribbon       | <input type="checkbox"/> Vinyl         |
| <input type="checkbox"/> Other: <a href="#">Click here to enter text.</a> |                                       |  |

Lanai(s)

- |   |                                   |  |
|---|-----------------------------------|--|
| <input type="checkbox"/> Arcade   | <input type="checkbox"/> Recessed | <input type="checkbox"/> Wrap-around     |
| <input type="checkbox"/> Balcony  | <input type="checkbox"/> Stoop    | <input type="checkbox"/> Verandah        |
| <input type="checkbox"/> Porte-Cochere                                    | <input type="checkbox"/> Portico  | <input checked="" type="checkbox"/> None |
| <input type="checkbox"/> Other: <a href="#">Click here to enter text.</a> |                                   |  |

Chimney

- |  |   |                                     |
|--|---|-------------------------------------|
| <input type="checkbox"/> Brick           | <input type="checkbox"/> Stuccoed Masonry | <input type="checkbox"/> Stove Pipe |
| <input type="checkbox"/> Concrete        | <input type="checkbox"/> Stone            | <input type="checkbox"/> Siding     |
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Other:           |                                     |





HAWAII STATE HISTORIC PRESERVATION DIVISION  
HISTORIC RESOURCE INVENTORY FORM –Intensive Level

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## VI. Narrative Description

(Include within the description of resource features any changes to the resource that have been made over time.)

### A. Describe exterior features:

The AAFES building is a neo-formalist, modern style, four-story building with a penthouse on top, which is set back and not visible from the street. The building is five bays wide and six bays long. The corner bays on each elevation contain two windows in each of the upper floors. All other bays feature four windows on each of the floors, except for the front, center bay which features two windows and a right of center, projecting element which contains vertical circulation. The bronzed aluminum, tinted windows are fixed and their frames are of cast stone. Smooth, precast concrete panels demarcate each bay on the upper stories in a pilaster-like manner. The corners of the building are recessed. The upper three stories of the building are cantilevered and supported by tapered, precast concrete beams which project from the corners and the middles of each of the non-end bays. The first story is characterized by a band of windows which runs along the upper edge of the story. The imprints of the vertical form work provide texture to the concrete walls below the windows. A smooth fascia runs the length of each side between the first and second stories, and the building is capped by a modern, smooth concrete, entablature-like parapet which is adorned by a pair of ornaments reminiscent of dentils and centered on the pilaster-like panels. A single story, flat roofed, cantilevered portico projects from the entry of the building. Planter boxes adorn either side of the sidewalk leading up to the portico. Typical of this hyper-security-conscious age, the front door to the building is locked and all access is from the rear, convenient to the adjoining parking lots. The rear elevation mirrors the front, except for the elimination of the planter boxes.

### B. Describe distinguishing interior features:

The interior is arranged around a double stacked, front-to-back running hallway with offices situated off each side. A bank of elevators is near the central core of the building.

### C. Describe the landscape and setting (include adjacent sites/resources):

The building has frontage on three streets, Ala Moana Boulevard, Ilalo Street, and Ahui Street. The building has paved parking lots on its Diamond Head and *makai* sides, which are shaded by several monkey pod trees (*Samanea saman*). The planter boxes at the front entry contain crotons (*Codiaeum variegatum*) and *ilie`e* (*Plumbago zeylanica*). Coconut palms (*Cocos nucifera*) run along the property's Ala Moana Boulevard side, and the Ahui street frontage includes three paperbark trees (*Malaleuca leucadendra*) as well as *Dracaena*.



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**VII. Statement of Significance**

The Army and Air Force Exchange Services Building is significant at the local level under criterion C as a good example of a neo-formalist, modern style building in Hawaii which is typical of its period in its design, materials, workmanship and methods of construction. Neo-formalism is typified by the incorporation of Classical elements and form such as building proportion, scale, symmetry, colonnades and entablatures rendered in a simplified Modernist idiom, and many consider it a reaction to the stricter forms of Modernism. Space is organized in the symmetrical Beaux Arts manner but the building's structure is often exposed and modernist forms were sometimes used. The usually symmetrical buildings were often elevated on a raised base. Typically they were public buildings, banks, libraries, museums, schools and small-scale commercial buildings. Other defining features of neo-formalism include: lines and geometric shapes dominating elevations; smooth surfaces; an interest in relationship parts to whole; use of heavy, flat projecting slabs; and prominent capping of the façade. The AAFES Building is typical of the neo-formalist style in many of its aspects including the regular rhythm of its fenestration and its balanced asymmetry. Equally telling are the parapet with its dentil-like adornments and the cantilevered upper floors giving the impression of the building rising from a podium. It deviates slightly from the style in its use of textured precast stone in the window frames and the texturing of the ground level walls, perhaps a softening of the style's formality in the more romantically inclined Islands. The use of precast window frames as wall elements is typical of late-sixties, early seventies buildings in Hawaii as is readily observed in the Financial Plaza of the Pacific (1968) and Davies Pacific Center (1972) as well as the City Bank Building at the corner of Merchant and Richards streets and the HGEA Building at 888 Mililani Mall.



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**VIII. Survey Analysis**

Please provide your observations about the survey; including constraints and opportunities for future research and/or survey in connection to this site

See attached summary.



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**IX. References**

Building Permit 69854



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**X. Continuation Sheet**

Please use this sheet those that follow to attach additional information about the site; including, but not limited to additional floor plans, drawings, photographs, maps, etc.



Ala Moana façade and Diamond Head side of building



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Ahui Street side of building



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Front entry



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Ground level



# Kaka'ako Ūnited

**LATE**

February 15, 2021

To: Senator Maile S.L. Shimabukuro, Chair - Committee on Hawaiian Affairs,  
Senator Stanley Chang, Chair - Committee on Housing

From: Doug Valenta President and Klaus Radtke, Vice-President, Kakaako United

Subject regarding: Testimony in strong opposition to SB 1334

Dear Chairperson and Committee members

Kaka'ako United, a voluntary community group working together to ensure a quality Kaka'ako community from Mauka to Makai. We stand firmly against SB 1334.

While the need for housing opportunities, especially for those who are below the median income, is an ongoing concern, we feel that the State should adhere to the "Kaka'ako Makai Conceptual Master Plan" and prohibit residential development of the makai areas of Kaka'ako. Allowing residential development of this unique area, the last open space available in the area from downtown to Waikiki, would have a negative impact that would most likely lead to the development of a second Waikiki: that is, the taking of any available land and building right up to the shore line, with the loss of public access to open spaces.

We urge the committee to thoughtfully consider the history of Kaka'ako makai, and consider with foresight the negative impact that makai residential development will have upon our community and our neighborhood

Respectfully submitted

Douglas Valenta  
Kaka'ako United

**KŪ: Kaka'ako Ūnited**  
PO Box 1634 • Honolulu, Hawaii 96806  
[www.kakaakounited.org](http://www.kakaakounited.org) • [info@kakaakounited.org](mailto:info@kakaakounited.org)



*Ensuring the quality of life for an integrated Kaka'ako community from mauka to makai.*

**SB-1334**

Submitted on: 2/9/2021 9:18:11 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ethan Porter	Individual	Oppose	No

Comments:

I strongly oppose this bill as it will continue the destruction of ocean access in Honolulu.

**SB-1334**

Submitted on: 2/10/2021 5:20:36 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bucky	Testifying for Friends of Kewalos	Oppose	No

Comments:

As a lifetime Hawaii resident and frequent user of our ocean resources I strongly oppose residential development makai of Ala Moana Boulevard

**SB-1334**

Submitted on: 2/10/2021 7:10:47 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
erich smith	Individual	Oppose	No

Comments:

Don't sell public land!

**SB-1334**

Submitted on: 2/10/2021 7:31:42 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Doreen Yarson	Individual	Oppose	No

Comments:

I am expressing my STRONG OPPOSITION to this senate bill. As a resident of Waikiki I see how the oceanfront was **destroyed** by massive development (Sheraton hotel monstrosity and all the others that have changed the precious oceanfront that was historically the beautiful Waikiki) At this moment I sit looking at a barge in Waikiki pumping lost sand back to eroding shoreline at a pricetag of 3-4 million. I understand the people need housing, but ask yourselves "Is this the right place?" Why not convert some of those empty hotels in Waikiki to affordable housing projects. Please preserve for the People what little oceanfront land we have left, not only in KM, but the entire State. The KM Master Plan along with the law has protected this land from becoming another Waikiki to ensure that this last public ocean front land in Honolulu will be preserved for the enjoyment of all the People of Hawaii. It is too late for Waikiki, but not too late for Kaka'ako Makai.

**SB-1334**

Submitted on: 2/10/2021 7:35:01 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lucie Knor	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose SB1334, which would enable and encourage the use of public waterfront land (one of the few areas left of its kind) for private development of high-rise condos. As a patron of the many excellent surf sites in Ala Moana and Kaka'ako, these public lands are important sites of recreation, relaxation, and cultural practice, and a refuge from overly crowded beaches and parks further east. Please recognize the decades-long effort by the people of Hawai'i to preserve this land for the public.

Mahalo,

Lucie Knor

Oceanographer, University of Hawaii

**SB-1334**

Submitted on: 2/10/2021 7:51:07 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Randall Bart	Individual	Oppose	No

Comments:

I am against SB 1334. The reason I am against this bill is because it will disrupt ocean access as it currently stands. The construction of additional residential towers and the surrounding development will make it harder for real locals to access this area. It will also take away current parking now available to real locals. The current number of residential towers approved for this area does not take into account a master plan. This area has become a place for money-grabbing by developers and land owners with no concern for the impact on the real locals who use this area for their in-town ocean and beach access activities, like surfing, swimming, fishing, and boating. Mahalo.

**SB-1334**

Submitted on: 2/10/2021 8:14:25 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lei Ho	Individual	Oppose	No

Comments:

Dear Senators,

Please do not allow or encourage any further development to Kakaako Makai. Wait until all of the current developments have been sold and all toilets have been flushed. Then we may know whether the existing sewers can handle the demands without overflowing into the streets and the ocean. I am very concerned that they are inadequate and that their limits have not been accurately determined.

Mahalo,

Lei Ho



**SB-1334**

Submitted on: 2/10/2021 8:27:58 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mackenzie Manning	Individual	Oppose	No

Comments:

I oppose SB1334. This opens up the possibilities for other developers to eventually purchase public lands, build what they want, and could lead to less public access of popular areas that the people of O`ahu rely on. Please vote no on this bill.

**SB-1334**

Submitted on: 2/10/2021 8:39:17 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Fung	Testifying for Friends of Kewalos	Oppose	No

Comments:

In strong opposition to SB 1334. The last ocean front public land of Honolulu should not be for sale to the highest private bidder to develop and ruin the natural beauty of our island.

**SB-1334**

Submitted on: 2/10/2021 9:30:32 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Henry Curtis	Testifying for Life of the Land	Oppose	No

Comments:

Life of the Land is in strong opposition to additional residential units in Kaka`ako Makai

**SB-1334**

Submitted on: 2/10/2021 10:30:22 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bernard Nunies	Individual	Oppose	No

Comments:

Abide by the the community-based “[Kaka’ako Makai Vision and Guiding Principles](#)” as a dedicated public cultural, educational, and recreational community gathering place that protects and encourages small local businesses and public facilities at Kewalo Basin, and remains ***free of housing construction of any form.***

These guiding principles were put into place in 2008 by the Kakaako Makai Community Planning Advisory Council, and subsequently adopted by the HCDA in 2011 as part of the Kaka’ako Makai Conceptual Master Plan.

It has undergone prior challenges, but the People prevailed. Here is another attempt to put Profit over People. Please stop this attempt and vote to oppose SB1334.

**SB-1334**

Submitted on: 2/10/2021 10:55:03 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
george outlaw	Individual	Oppose	No

Comments:

Aloha,

The community in Kaka"ako came together in 2008 and developed a Kaka"ako Makai Visiob and Guiding Principles which was adopted by the HCDA in 2008. This bill seeks to deny those committed citizens and residents who worked diligently , long a, and hard to create an acceptable vision of Kaka"ako Maki the Vision developed and adopted. I oppose this Bill as it seems a simple attempt to cancel the will and efforts of the residents of Kaka"ako. I am disillusioned by this attempt to subvert the will and work of the people.

Mahalo,

George Outlaw (LCDR USN Ret.)

**SB-1334**

Submitted on: 2/10/2021 12:08:42 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tammy Moniz	Individual	Oppose	No

Comments:

To Whom it may concern,

I STRONGLY OPPOSE Bill SB 1334.

Kewalos has been the play ground for my children, their friends, and my husband for over 50 years. For my husband, Tony Moniz, he surfed there in the late 70's with his childhood friends before it was developed as a public park/beach. During my children's life, this place offered them a quality and a most consistant surf spot that helped them progress into professional athletes. They have been STate Champions, National Champions, My daughter (Kelia Moniz) is a 2 time Woman's Longboard World Champion, my son (Seth Moniz) is now ranked 11 on the Men's Professional Championship Tour, my son (josh Moniz) is on the Qualifying Serios of professional surfing and just won the Pipe Trials this winter. All this to say that Kewalos has been a MASSIVE part of their training and a place where pretty much all of Hawaii's professional surfers have come from here. Carissa Moore, Alyssa Quizon, Coco Ho, Zeke Lau, Keanu Asing, to name some. This park has been a place where families can come and be close to the surfing and caring of the other siblings that play in the park. We have gathered and became a community of people that took care of the land and where our kids learned to respect thier elders.

For Hawaii's future, this would be a devestating move to close it to the public. We have held State Championships here for years becuase of the closeness of the wave, beauty of the park, and the quality of the wave as well as the consistancy of the wave is unbeatable. For our people, it is the last of what is accessable to do all of these things that are so vital to the health of our community and keeping surfing up to par with the world... to make future champions and just keep one part of our land... our peoples.

Whether professional or not, Kewalos is a beautiful beach that brings the people of Hawaii together. Sharing in surfing, fishing, park recreation, picnics, and just having some space to enjoy. Please don't take this away from us.

I hope you will uphold our state motto... UA MAU KE EA O KA AINA I KA PONO. Lets protect to perpetuate what little we have left.

Sincerely Yours,

Tammy MOniz

(808)728-4319

**SB-1334**

Submitted on: 2/10/2021 12:46:37 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kenith Scott	Individual	Oppose	No

Comments:

I do not support SB 1334. The parks should remain open to the public and I urge the government officials to find another way to resolve our homeless issues within our state.



**SB-1334**

Submitted on: 2/10/2021 2:27:59 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Heidi A. Meeker	Individual	Comments	No

## Comments:

Senators, please remember there were once very concrete plans to develop this land. The Legislature in its wisdom, hearing the sentiment of Honolulu residents, voted to prohibit high rise development. Do not let this bill pass to let OHA do exactly what the Legislature prohibited. Even Howard Hughes can't build high rises makai of Ala Moana Blvd. There will be other ways for OHA to generate revenue, but once 400 foot towers are built, that land will never be open space for the citizens of Honolulu. With sea levels rising, the state will be pumping lobbies of luxury condos forever.

**SB-1334**

Submitted on: 2/10/2021 3:12:53 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sandra moneymaker	Individual	Oppose	No

Comments:

I strongly oppose passage of SB1334 and any increase of height limits on the 2 subject OHA parcels in KM. Kaakako density is already being over saturated by current building plans and infrastructure is inadequate to support additional development.

mahalo,

sandy moneymaker

**SB-1334**

Submitted on: 2/10/2021 3:37:29 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kate Feloy	Individual	Oppose	No

## Comments:

Kaka'ako Makai is a beautiful piece of public land and holds immense value to the many people who enjoy it in its current undeveloped state. Public land should remain public, for the enjoyment of the community. I strongly oppose residential development in this area. Public land is not for sale!

**SB-1334**

Submitted on: 2/10/2021 4:12:31 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robin Zeller	Individual	Oppose	No

Comments:

I use the amenities at Kaka'ako Makai on a daily basis and see others who do the same. For those of us who work and live near this area (many from dock workers, medical students, retail employees, people from all walks of life) the park is a vital source of green space and an oasis when work is finished. Please reconsider taking this beautiful public area, which is enjoyed by so many, and opening it up to private development. So many have fought for this land to remain public, lets not make their efforts in vain.

**SB-1334**

Submitted on: 2/10/2021 6:42:03 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Fiona Beckley	Individual	Oppose	No

Comments:

I am strongly opposed to Bill 1334 that will lift the ban against high rise residential development in Kaka'ako Makai.

**SB-1334**

Submitted on: 2/10/2021 9:13:08 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marvin Heskett	Individual	Oppose	No

Comments:

Aloha Senators,

I strongly oppose SB 1334. Having marched to the capitol in 2006 with hundreds of other members of our community representing just about every cultural background found in Hawaii today with the Save our Kakaako Coalition, it disturbs me that once again, we must rise up to protect this important public land. The people of Oahu have demonstrated their beliefs on what to do and not to do with our public land over and over again. Please stand with all of the people you represent and not just a few with vested interest and prevent this bill from going forward.

Mahalo,

Marvin Heskett

**SB-1334**

Submitted on: 2/10/2021 9:39:15 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Angela Huntmer	Individual	Oppose	No

Comments:

Dear Committee Members, No. absolutely no. It's bad enough down there already. The idea that anyone would build anything more than a couple of storeys high down there is folly. Thank you.

**SB-1334**

Submitted on: 2/11/2021 1:25:02 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jean Ishikawa	Individual	Oppose	No

Comments:

Many years ago, I supported by writing and attending all hearings: Save Our Kaka'ako.

It has come to my attention that the SB1334 will no longer Protect the Last Public Oceanfront Lands. I firmly Oppose this bill as a very concerned citizen/resident of Hawai'i nei. Legislators must remember Kuleana and Pono....these are not merely words - they have a very deep meaning that must be considered when embarking on changing the law.

Respectfully submitted, Jean U. Ishikawa



Douglas Meller  
2615 Aaliamanu Place  
Honolulu, HI 96813

TESTIMONY OPPOSING SB 1334  
RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Tuesday February 16, 2021 1 pm Videoconference Hearing  
Senate Committee on Hawaiian Affairs  
Senate Committee on Housing

**Enactment of SB 1334 may violate Article XI Section 5 of the State Constitution.** The State Supreme Court has already ruled that a law which exercises legislative power over private use of a specific state property is an unconstitutional “special law” rather than a “general law” as required under Article XI Section 5.

***ARTICLE XI***

***Section 5.*** *The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, or a political subdivision, or any department or agency thereof.*

SB 1334 proposes to amend Chapter 206E, Hawaii Revised Statutes, to override the adopted Kakaako Community District Makai Area Plan, the Kakaako Community Development District Rules for the Makai Area (Hawaii Administrative Rules Title 15, Subtitle 4, Chapter 23), and Kakaako Reserved & Workforce Housing Rules (Hawaii Administrative Rules Title 15, Subtitle 4, Chapter 218). On specifically identified state property, but not on any other public or private property, SB 1334 would:

- allow 400-foot-tall buildings,
- allow residential development where previously prohibited, and
- waive “affordable housing” requirements.

In plain English, SB 1334 would authorize specified state property to be privately developed for 400-foot-tall high-priced vacation condominiums exempted from HCDA-adopted height limit rules (shown on the 2<sup>nd</sup> page of this testimony), land use rules, and “affordable housing” rules. Oahu residents will not like this. And if the Legislature enacts SB 1334, I believe that someone will file a lawsuit alleging that SB 1334 is an unconstitutional exercise of legislative power over private use of a specific state property.

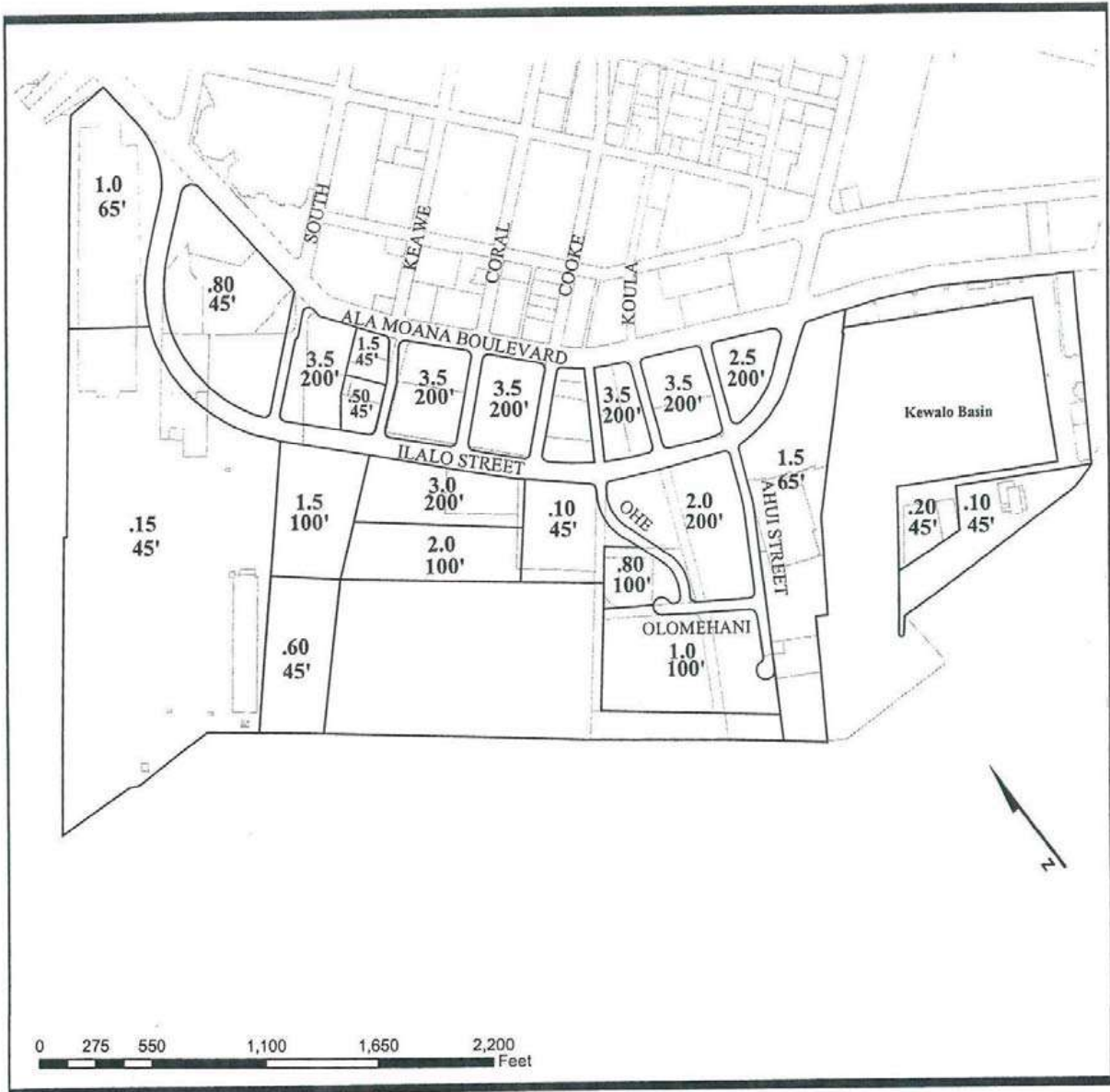


Exhibit 3  
Maximum Height and Density Plan

**LEGEND:**

- 200' Indicates Maximum Allowable Height
- 3.5 Indicates Maximum FAR

**SB-1334**

Submitted on: 2/11/2021 7:02:19 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Yvonne Geesey	Individual	Oppose	No

Comments:

strongly oppose

**SB-1334**

Submitted on: 2/11/2021 8:33:59 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr. Russell Fitton	Individual	Oppose	No

Comments:

I oppose SB1334 on the grounds that the Housing authority will be able to convey the property to a 3rd party and lose control of it. I also oppose increasing the height limits.

**SB-1334**

Submitted on: 2/11/2021 8:46:59 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
GLENN Shockley	Individual	Oppose	No

Comments:

Years ago, Honolulu harbor was the beacon to the world gifting to it the virtues of Hawaiian beauty and culture. Honolulu harbor was the inviting force that extoled those virtues and brought alive the spirit of Aloha to that world. In Kaka-Ako, tuna boats used to rest in the harbor after bringing their harvest to market in Honolulu. Sea birds floating on trade winds shouted their praise to the Aloha spirit because they enjoyed the beauty and cool breezes that ensconced the area. Now I am told that moneyed interests want to destroy the legacy, memories, and beauty of the Honolulu harbor by erecting a monolith to greed that will rob the people of Hawaii of the views of that harbor. This cannot be. "The life of the Land is preserved in righteousness" This project is not righteousness. Your duty is to reserve that land for Hawaiian posterity. You must deny this abomination. The alter to filthy lucare in Kaka-Ako must be stopped.

**SB-1334**

Submitted on: 2/11/2021 8:58:08 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elizabeth Benyshek	Individual	Support	No

Comments:

Aloha,

I am writing to express my **STRONG OPPOSITION** to bill SB1334, which would remove the development ban from Kakaako Makai. This area is the last remaining public ocean front land in urban Honolulu, and big developments will destroy the Hawaiian history and threaten our beloved ocean waves. The preservation of this land is vital to the balance between nature and development in Kakaako. Please take responsibility for preserving history and environmental balance by opposing this bill.

Thank you for your time and consideration.

Elizabeth Benyshek, Vice Chair at Surfrider Foundation Oahu Chapter

**SB-1334**

Submitted on: 2/11/2021 9:08:27 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andre Bisquera	Individual	Oppose	No

Comments:

I am strongly against all of the proposed actions in SB1334. We must protect our public spaces to allow people access to the land and ocean. Please vote against this bill. Thank you.

**SB-1334**

Submitted on: 2/11/2021 2:47:58 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Chinen	Individual	Oppose	No

Comments:

I am in strong opposition to this bill.



**SB-1334**

Submitted on: 2/11/2021 5:16:40 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alethea Rebman	Individual	Oppose	No

Comments:

Writing in strong opposition to this bill. We keep fighting oceanfront development and the developers keep returning because our lawmakers don't prioritize preserving this asset. Please vote NO.

**SB-1334**

Submitted on: 2/11/2021 5:54:16 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
T Takata	Individual	Oppose	No

Comments:

I am a concerned resident voter living near Kakaako Makai and I STRONGLY OPPOSE this bill.

Mahalo for your consideration.

**SB-1334**

Submitted on: 2/11/2021 7:10:56 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
catherine iwami	Individual	Oppose	No

Comments:

Stop Residential development on Kakaako Makai. This parcel of land needs to be for the people of Hawaii to enjoy. There is already too much residential development in the area already! STOP!

STOP destroying the land by the ocean front. Residential buildings should not be built so close to the ocean front. What about the future of rising sea levels and what if a major hurricane hits!?

For the aina of the Hawaii please STOP residential development at Kakaako Makai .

Catherine Iwami

**SB-1334**

Submitted on: 2/12/2021 8:43:50 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Heidi Taam	Individual	Oppose	No

Comments:

***I am in strong opposition to SB 1334, our access to the ocean and open areas to recreate must be upheld. Allowing buildings in makai of Ala Moana boulevard or Nimitz Highway is in a floodzone and is not safe. Laws have been made to keep our aina around the ocean free of tall buildings.***

**SB-1334**

Submitted on: 2/13/2021 7:29:47 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sean Panquites	Individual	Oppose	No

Comments:

I am in strong opposition to SB1334. Leave our public parks for us locals to enjoy and stop building buildings in Kakaako.

**SB-1334**

Submitted on: 2/13/2021 7:42:41 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jonathan Lam	Individual	Oppose	No

Comments:

I strongly oppose the proposed plan for residential buildings, we must protect public lands in Hawaii.

TO: Members of the Committees on Hawaiian Affairs and Housing

FROM: Natalie Iwasa  
808-395-3233

HEARING: 1 p.m. Tuesday, February 16, 2021

SUBJECT: SB 1334, Hawaii Community Development Authority - **OPPOSED**

Aloha Chairs Shimabukuro and Chang and Committee Members,

Thank you for allowing me the opportunity to provide testimony on SB 1334, which would increase the height limit on certain parcels in Kakaako and allow residential development in Kakaako makai.

The lands on the makai side of Kakaako are the last remaining open public lands in downtown Honolulu. As such, this area should remain open for public use. I oppose any development on these parcels.

In addition, I am concerned about exceptions to current height limits. As more exceptions are allowed, they tend to be the rule.

Please vote "no" on this bill.

**SB-1334**

Submitted on: 2/13/2021 10:03:06 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joshua DeMello	Individual	Oppose	No

Comments:

Aloha, please oppose this bill. There is a height limit in place at Kakaako Makai for a reason. The whole manuka area is becoming inundated with unaffordable apartments and condos that are bought by rich investors. Allowing the building of these large high rises does not provide for the people of Hawaii instead it only serves to line the pockets of investors.

As a Native Hawaiian, I can understand the rationale for OHA wanting to expand their funding, but residential doesn't do that. Instead OHA should be attracting businesses and companies to the area with mixed residential to have a sustainable base of funding and the height limit is fine where it is. I also don't think OHA should be able to sell off the land to developers who will push even harder and have deeper pockets to get this done through backdoor channels.

Let's keep Hawaii, Hawaii and keep our regulations in place to avoid change that doesn't help the people of Hawaii and Hawaiians. Please defer this bill, mahalo



**SB-1334**

Submitted on: 2/13/2021 11:37:03 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lester Maximo	Testifying for Friends Of Kewalos	Oppose	No

Comments:

I strongly OPPOSE this bill.

**SB-1334**

Submitted on: 2/13/2021 12:32:34 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ernest K Moses Jr	Individual	Oppose	No

Comments:

The proposal to eliminate the restrictions on high density housing on Kakaako Makai, is an end run for OHA , to transfer the parcels to the highest bidder. This is not pono, and I totally oppose this position. EK Moses Jr

**SB-1334**

Submitted on: 2/13/2021 12:43:56 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marion Lyman-Mersereau	Individual	Oppose	No

Comments:

Development in the Kaka'ako and Kewalo area is already overcrowded. Our infrastructure can barely handle what we have in Honolulu right now. We pollute our ocean with run off from residential areas and have depeleted our aquafir - it won't be long - with more toilets to flush - that we won't have any fresh water or clean ocean. I'm against SB1334 which will allow the sale of public land to private development.

**SB-1334**

Submitted on: 2/13/2021 1:28:17 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dean Nakamaru	Individual	Oppose	No

Comments:

I strongly oppose SB1334.

**SB-1334**

Submitted on: 2/13/2021 1:49:11 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachelle Nobriga	Individual	Oppose	No

Comments:

1. PLEASE do NOT Allow the raising of the building height limit for two of the six parcels owned by the office of Hawaiian affairs in the Kakaako makai area to four hundred feet.

2. PLEASE do NOT Lift the current restriction against residential development in Kakaako makai to allow residential development by the office of Hawaiian affairs or by third parties to which the office of Hawaiian affairs conveys the parcel.

Enough with Development. Enough of Paving Paradise.

Please Preserve our Land/Parks/Beaches and our Mauka Views.

**SB-1334**

Submitted on: 2/13/2021 2:14:13 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristine Wallerius Chung	Individual	Oppose	No

Comments:

Aloha, thank you for the opportunity to testify on SB1334,

I am in **STRONG OPPOSITION** to this bill. Kakaako Makai is sacred **PUBLIC SPACE**. It is unconscionable to allow a height exemption and residential building in this place. Many years of opposition by public groups such as Friends of Kewalos, precedes this attempt to destroy our makai open space in town. We The **PEOPLE** oppose this bill.

Please put **PEOPLE BEFORE PROFITS**. History will judge whether this or greed is how you choose for the Hawaiian people. Be pono, that is what you were elected to do.

Mahalo nui loa,

Kristine Chung



**HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY**

547 Queen Street, Honolulu, Hawaii 96817  
Telephone: (808) 594-0300 Fax: (808) 587-0299  
Web site: <http://dbedt.hawaii.gov/hcda/>

DAVID Y. IGE  
GOVERNOR

JOHN WHALEN  
CHAIR

DEEPAK NEUPANE, P.E., AIA  
EXECUTIVE DIRECTOR

Statement of  
**DEEPAK NEUPANE, P.E., AIA**  
**Executive Director**  
Hawaii Community Development Authority  
before the

**SENATE COMMITTEE ON HAWAIIAN AFFAIRS**  
and the  
**SENATE COMMITTEE ON HOUSING**  
Tuesday, February 16, 2021 at 1:00 PM  
Via Videoconference

In consideration of  
**SB 1334**  
**RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.**

Chairs Shimabukuro and Chang, Vice Chairs Keohokalole and Kanuha, and members of the Committees. The Hawaii Community Development Authority (HCDA) offers **comments** on SB 1334, that raises the height limit to four hundred feet for two parcels in Kakaako Makai, and allows residential development in Kakaako Makai by the Office of Hawaiian Affairs (OHA) or a third party that OHA conveys the parcels to.

In 2005, HCDA issued a Request for Proposal (RFP) to develop a mixed-use residential project in Kakaako Makai. Subsequent to the selection of a developer for the project by HCDA, a contingent of concerned community members mounted strong opposition to the development.

In 2006, the State Legislature, after considering the public opposition, passed HCR 30 to halt the HCDA Kakaako Makai mixed use development project and convene a working group of stakeholders to participate in the development, acceptance, and implementation of any future plans for the development of Kakaako Makai. The Legislature also amended HRS 206-E prohibiting residential development in Kakaako Makai. The HCDA subsequently canceled the RFP and convened a broad-based community working group to create a vision for Kakaako Makai.

After five years of work and over 40 public meetings, the working group, which included a representative from the OHA, agreed on a plan that included 14 guiding principles for Kakaako Makai which are enumerated below:

- 1) Establish Kakaako Makai as a community cultural gathering place,
- 2) Base the framework on Hawaiian culture and values of the ahupuaa,
- 3) Protect, preserve, and perpetuate the open view plans,
- 4) Preserve, restore and maintain coastal and marine resources,
- 5) Expand park and green space,
- 6) Provide open and full park access within and around the parks and ocean shoreline,
- 7) Ensure public safety, health and welfare,
- 8) Public land-use legislation – Public use of public lands in the public interest,
- 9) Ensure that Kewalo Basin Harbor's identity is retained,
- 10) Cultural facilities that offer public enrichment activities,
- 11) Apportion a limited number of small local businesses to assist in cooperatively sustaining Kakaako Makai's public use facilities,
- 12) Site design guidance – A Hawaiian sense of place in landscape, setting and design,
- 13) Community/Government planning partnership that places the public interest first and foremost, and will strive to uphold the greater good of the community, and
- 14) Assure and assist viable and sustainable operation of public uses and facilities on state public land in Kakaako Makai through public/private partnerships and 501(c)(3) non-profit management, similar to successful park conservancies and their stewardship programs.

HCDA hopes that any future development in Kakaako Makai take these guiding principles, created by the community, into serious consideration.

Thank you for the opportunity to testify.



**SB-1334**

Submitted on: 2/13/2021 3:14:41 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Parkinson	Individual	Oppose	No

Comments:

Keep the last remaining open coastline open in Honolulu.

Please refer to the vision statement and guidelines adopted by HCDA in regards to Kaka'ako Makai after years of public input.

Shame on you for continuing to put special interests above the public good. Find another solution.

**SB-1334**

Submitted on: 2/13/2021 4:20:25 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Heidi Hirsh	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose SB 1334. Do not lift the ban on residential development at the Kewalo location and allow the Office of Hawaiian Affairs to sell or convey the land to allow this little bit of open space left in Honolulu to be developed. The towering high rises and the astronomical amount of people living in the compact Kaka'ako area demand open space to recreate and exercise. Please not allow this green space to be lost.

Thank you,

Heidi Hirsh

3721 Kanaina Ave, Honolulu HI 96815

**SB-1334**

Submitted on: 2/13/2021 4:25:09 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Myron E Sato	Testifying for Friends of Kewalos	Oppose	No

Comments:

I oppose SB1334. Please, no more development in the Kakaako area, especially the region makai of Ala Moana Boulevard. Leave the coastline open and accessible for public use. For the population size of Honolulu; there is not an equitable amount of coastal access on the southern shore. The same amount of people keep getting squeezed into a smaller coastal area. It's not right. Do the right thing!

Aloha and Mahalo,

Myron Sato

**SB-1334**

Submitted on: 2/13/2021 4:27:06 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kevin o'leary	Individual	Oppose	No

## Comments:

We the people of Honolulu thought this issue was settled way back in 2005. We came out in great numbers to oppose the original plan to develop Kakaako Makai. What was it about our massive protests that the current legislature does not understand? Beside the desecration of public lands inherent in this bill, since 2005 knowledge of global warming and accompanying sea level rise makes an oceanfront development like this even more wrong-headed. Please think about the consequences before passing this legislation. Our lives in Honolulu cannot just be about money.

**SB-1334**

Submitted on: 2/13/2021 4:44:21 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lynne Kobayashi	Individual	Oppose	No

Comments:

I write in strong opposition to SB 1334. We, residents of O’ahu, have so little shoreline left for recreation and cultural practice. This allowing of development as high as 40 stories is a repugnant reversal of what was once lauded as groundbreaking, enlightened legislation. Please put love of our land, our ocean, and our people, before permanently blighting our beautiful shoreline. You would be fouling the nest to allow this to happen. Consider, also, the threat of climate change. The heavy development in Kakaako already faces that risk. To entertain further makai development is folly.

**SB-1334**

Submitted on: 2/13/2021 5:51:29 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Denise Boisvert	Individual	Oppose	No

Comments:

Dear Senators,

I strongly oppose SB1334.

The view of the horizon from Punchbowl will soon be obliterated with towers on the mauka side of Ala Moana Blvd in Kaka'ako.

Now you are proposing to allow monstrously tall buildings on the last public oceanfront parcels on the makai side?

Sometimes it is worth looking at the success of other communities when it comes to preserving the coastline for all citizens; not just the ones who can afford an expensive hotel or a condominium right on the water. The city of Nice, France has known for a few hundred years how not to ruin their waterfront along the Mediterranean Sea. One can drive for miles with beautiful beaches on one side and buildings on the other.

There is already enough construction, and already taller than really needed, on the makai side; so I ask you to please do not set this precedent.

Thank you for your kind consideration...it is not too late.

Sincerely,

Denise Boisvert

Honolulu

**SB-1334**

Submitted on: 2/13/2021 6:06:59 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alex Kagawa	Individual	Oppose	No

Comments:

While I am supportive of the Office of Hawaiian Affairs mission and purpose to better the conditions of native Hawaiians, maintaining access to Hawaii's shorelines is vital to all people of Hawaii, therefore I OPPOSE Senate Bill 1334 as it would allow residential development in Kakaako makai.

Although Kakaako makai may not have sandy beachfronts, any residential development in this area would negatively impact the surrounding parcels and open spaces. Soon other developers will follow wanting to build their luxury residential towers in Kakaako makai.

These luxury waterfront developments, along with the ultra rich that are buying up our precious shoreline properties, represents a slow but steady trend to choke off access for the people of Hawaii.

These luxury properties attract outside residents who force their foreign practices and customs without regard or respect for Hawaii's host culture. Similar to how invasive species are slowly, but surely, killing off our native hawaiian species.

It is common knowledge that our island's shorelines require open space to prevent erosion and to allow access. Access also means providing parking or other transportation accommodations near the access points that doesn't cost us \$10 per day or are closed whenever the development wishes to do so. Preventing shoreline development will help to stop the need for more seawall barriers which contribute to erosion and loss of beaches. It will also prevent exclusive use and access to resources that the people of Hawaii share.

There are many areas away from the shoreline that are more appropriate to build homes for the families of Hawaii. Profits should not be the main determinant of land use and residential development. Would you build homes on Mauna Kea just to make more money ?

Without our land, we can have no culture.

Thank you for the opportunity to submit testimony.





Date: February 16, 2021

To: Senate Committee on HWN/HOU

Re: Opposition testimony to SB 1334

The lifting of residential restrictions with the passage of SB1334 will set a bad precedent for other landowners to also seek high rise residential development on their parcels in Kakaako Makai. Ultimately this will affect the entire island community by restricting public access to the shoreline. Such a restriction has already occurred with limited and costly parking over the years in Waikiki. Since 2005, the public has clearly and repeatedly made their concerns known to **“Keep Waikiki in Waikiki!”** and that **“Public Lands are Not for Sale!”** Please do not advance SB1334 any further.

Mahalo nui loa,

Thomas Iwai Jr.

Island Aquaculture & Aquaponics

Email: TI2AquaMan@gmail.com

**SB-1334**

Submitted on: 2/13/2021 7:48:42 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Casey Takayama	Individual	Oppose	No

Comments:

I am concerned that empowering OHA to sell public lands would further encouraging money for aina that belonged to Native Hawaiians.

**SB-1334**

Submitted on: 2/14/2021 5:47:17 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alice Silbanuz	Individual	Support	No

Comments:

I **STRONGLY SUPPORT SB1334**, OHA looks to steward its 30 acres in Kaka'ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka'ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai'i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our **Native Hawaiian identity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries.**

For these reasons, I humbly request that this measure is passed out of your committee.

**SB-1334**

Submitted on: 2/14/2021 7:04:24 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
BRADLEY FRYE	Individual	Oppose	No

## Comments:

I oppose this bill because the makai open space it would ruin is a blessing now and should be a blessing in the future for everyone who lives on Oahu. That is why it has been protected for so long. This makai open space should not be a benefit that rich people get to steal from us all.

**SB-1334**

Submitted on: 2/14/2021 7:11:31 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shaylyn Kimura	Individual	Support	No

Comments:

I am Shaylyn Kimura from Wailua, Kaua'i. I **STRONGLY SUPPORT SB1334**, OHA looks to steward its 30 acres in Kaka'ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka'ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai'i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our **Native Hawaiian identity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries.**

For these reasons, I humbly request that this measure is passed out of committee.

Mahalo Piha!

**SB-1334**

Submitted on: 2/14/2021 7:39:29 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gordon B. Lindsey	Individual	Oppose	No

Comments:

I am in strong opposition to SB1334. Don't sell public land

**SB-1334**

Submitted on: 2/14/2021 8:00:00 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Knight	Individual	Oppose	No

Comments:

I oppose SB1334. These are the last public oceanfront lands in Kaka' ako Makai and must be protected from development.

**SB-1334**

Submitted on: 2/14/2021 8:05:51 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tuan Pham	Individual	Oppose	No

Comments:

Aloha,

As a fellow member serving the local community, I oppose the development and changing of the height restrictions. The relationships and bonds formed by ohana and community must be maintained for the people and not for the dollar and profit. The memories and future memories of families are at risk- as development is continuing at a non-sustainable rate.

Success and growth is not measured by development or profit. Success is measured by the efficiency of mindful & soulful sustainability.

Best regards,

Tuan M. Pham, DDS -

Dental Director -The Queen's Medical Center



**SB-1334**

Submitted on: 2/14/2021 8:32:56 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tiare Kaolelopono	Individual	Support	No

Comments:

I **STRONGLY SUPPORT SB1334**, OHA looks to steward its 30 acres in Kaka'ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka'ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai'i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our **Native Hawaiian identity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries. Urban Honolulu needs more native places and representation, including but not limited access to truly affordable housing for our peoples.** Currently, Kaka'ako Makai seeks to satisfy the transient and transplant populations. OHA's development of these parcels will shift the area's identity back to Hawai'i's core values, Hawaiian and local values which have been covered up by a decade of gentrification.

For these reasons, I humbly request that this measure is passed out of your committee.

**SB-1334**

Submitted on: 2/14/2021 8:53:27 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kalani Thanee	Individual	Support	No

Comments:

I **STRONGLY SUPPORT SB1334**, OHA looks to steward its 30 acres in Kaka'ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka'ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai'i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our **Native Hawaiian identity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries**

**SB-1334**

Submitted on: 2/14/2021 8:58:24 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
lynne matusow	Individual	Oppose	No

Comments:

Please note my strong opposition to this bill. A landmark law, hard fought for by the people, bans the sale of public land and bans all residential development in Kaka'ako makai. In 2011 the HCDA adopted the Kaka'ako Makai Conceptual Master Plan. In 2012 this land was transferred to the Office of Hawaiian Affairs (OHA) to settle claims of back rent. OHA knew the restrictions. At the time another bill was defeated, one which would have allowed OHA to build residences on part of the property. OHA ried to reverse that again in 2014 but failed. Now, seven years later, OHA is back again. OHA must be stopped, this bill must be deferred, aka defeated. Do not destroy the last public oceanfront lands in Kaka'ako makai.

OHA must find uses for the land that comply with the current law. The land, as is, needs to be saved in perpetuity for future generations.

Additionally, this land is under threat from climate change. It is also underthreat from flood inundation and tsunamis. This is not a place where people should reside as they could easily lose their homes from hurricanes, tsunamis, coastal floods, etc. Show courage. Do not cave in to OHA. OHA made a bad decisionand it must live with it.

lynne matusow

**SB-1334**

Submitted on: 2/14/2021 9:20:17 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rita Shockley	Testifying for Free Access Coalition	Oppose	No

Comments:

**Aloha!**

**The re-hash of the OHA’s effort to cash in on their State ceded land is nothing new—only another attempt to rezone the the last ocean front property in Honolulu for big-money interests who will develop Kaka’ako Makai into another Waikiki skyline. The people of Hawaii will NOT be served—only rich condo developers and million-dollar unit buyers. Let’s follow the law. OHA’s money-grab will only serve the inner circle of their management, not the people of Hawaii or the Hawaiians themselves. OHA needs to build a cultural center for Hawaiians with support to Hawaiian businesses, NOT cop-out to quick money residential development.**

**Please DUMP SB 1334 and hope it doesn’t pop up in the future!**

**Rita**

**SB-1334**

Submitted on: 2/14/2021 9:42:29 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Vanessa Lee Miller	Individual	Support	No

Comments:

**I STRONGLY SUPPORT SB1334**, OHA looks to steward its 30 acres in Kaka'ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka'ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai'i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.



# KE ONE O KĀKUHIHEWA

O'ahu Council of the  
Association of Hawaiian Civic Clubs

## SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND HOUSING

PŌ'ALUA, PEPLUALI 16, 2021

VIA VIKIŌ

KE KAPIKALA MOKU 'ĀINA

STATE CAPITOL

415 South Beretania Street

### SB1334 - Relating to the Hawaii Community Development Authority

*Aloha Luna Ho'omalua* Maile Shimabukuro and Stanley Chang, *Hope Luna Ho'omalua* Jarrett Keohokalole and Dry Mamo Kanuha, and members of the Senate Committees on Hawaiian Affairs and Housing:

Ke One O Kākuhihewa-O'ahu Council for the Association of Hawaiian Civic Clubs **SUPPORTS** SB1334. This bill allows the raising of the building height limit for two of the six parcels owned by the Office of Hawaiian Affairs in the Kaka'ako makai area to four hundred feet and lifts restrictions against residential development.

OHA looks to steward its 30 acres in Kaka'ako Makai in a manner to create the greatest value for its beneficiaries. Planning efforts to date have shown that the residential prohibition on these lands cap their value short of \$200 million. OHA has committed to implementing a plan for a mixed-se project that showcases our Native Hawaiian entity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries.

Thus, Ke One O Kākuhihewa respectfully urges the Committee to pass out SB1334.

Ke One O Kākuhihewa is a native Hawaiian council made up of 24 civic clubs on the island of O'ahu. Our oldest member, Hawaiian Civic Club of Honolulu was established by Prince Jonah Kūhiō Kalaniana'ole on December 7, 1918.

Sincerely,

Benton Kealii Pang, Ph.D.

BENTON KEALII PANG, PH.D.  
HAWAIIAN CIVIC CLUB OF  
HONOLULU  
PELEKIKENA

JACOB KA'ŌMAKAOKALĀ AKI-  
KING KAMEHAMEHA HCC  
HOPE PELEKIKENA

GEORGIANA NAVARRO-  
MĀKAHA HCC  
HOPE PELEKIKENA 'ELUA

LEATRICE KAUAHI-HCC OF  
HONOLULU  
PU'UKŪ

ROTH PUAHALA -KING  
KAMEHAMEHA HCC  
PELEKIKENA IHO NEI

TERI LOO-KO'OLAUPOKO HCC  
KĀKAU 'ŌLELO

CHRISTINE "CHRISSEY" ANJO-  
PEARL HARBOR HCC  
HOLE KĀKAU 'ŌLELO

'AHAHUI SIWILA HAWAII O  
KAPOLEI  
KALA HOLDEN

ALI'I PAU'UHI HCC  
KEHAULANI LUM

'EWA-PU'U'LOA HCC  
MARLEEN KAU'I SERRAO

HCC OF HONOLULU  
ANITA NAONE

KAILUA HCC  
MAPUANA DE SILVA

KALIHI-PĀLAMA HCC  
JUANITA BROWN  
KAWAMOTO

KING KAMEHAMEHA HCC  
LETANI PELTIER

KO'OLAULO'A HCC  
RANAE "TESSIE"  
FONOIMOANA

KO'OLAUPOKO HCC  
ROCKY KALUHIWA

LUALUALEI HCC  
SHIRLINE HO

MĀKAHA HCC  
LUANN LANKFORD-  
FABORITO

MAUNALUA HCC  
ROSE KITTY SIMONDS

NA LANI 'EHA HCC  
R. KELANI RAMOS

NĀNĀIKAPONO HCC  
JAYCINE HICKS

PAPAKŌLE'A HCC  
KEALI'I LUM

PEARL HARBOR HCC  
ANTOINETTE LEE

PRINCE KŪHIŌ HCC  
A. MAKANA PARIS

PRINCESS KAHANU HCC  
DREANA KALILI

PRINCESS KAI'ULANI HCC  
RUSTY RODENHURST

QUEEN EMMA HCC  
RAWLETTE P. KRAUT

HCC OF WĀHIAWA  
NOELANI DEVINCENT

HCC OF WAIALUA  
MAKALAPUA CASSON-  
FISHER

WAI'ANAE HCC  
CYNTHIA ENRIQUEZ

WAIKIKI HCC  
DWAYNN KAMAI

HCC OF WAIMĀNALO  
LOUANNA KAIO

**SB-1334**

Submitted on: 2/14/2021 10:55:24 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Josh & Kanani DeLary	Individual	Support	No

Comments:

I **STRONGLY SUPPORT SB1334**, OHA looks to steward its 30 acres in Kaka'ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka'ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai'i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our **Native Hawaiian identity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries.**

For these reasons, I humbly request that this measure is passed out of your committee.

**SB-1334**

Submitted on: 2/14/2021 11:51:50 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
PATRICIA O'BRYEN	Individual	Oppose	No

Comments:

I strongly oppose SB 1334. Please do not allow development of this area makai of Ala Moana Boulevard. Thank you.



**SB-1334**

Submitted on: 2/14/2021 12:34:09 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ALVIN	Individual	Support	No

Comments:

I STRONGLY SUPPORT SB1334, OHA looks to steward its 30 acres in Kaka‘ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka‘ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai‘i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our Native Hawaiian identity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries.

For these reasons, I humbly request that this measure is passed out of your committee.

Alvin K. Akee

**SB-1334**

Submitted on: 2/14/2021 1:00:41 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
N Grace	Individual	Oppose	No

Comments:

I strongly OPPOSE SB1334.

**SB-1334**

Submitted on: 2/14/2021 1:06:38 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jason Sakai	Individual	Oppose	No

Comments:

Aloha, Senators!

I'm a retired father of 4 children, my wife is of Hawaiian descent.

I started surfing at Kewalos in 1969, now we all surf, and are very much a part of the Kaka'ako Community.

As condominiums and buildings stretch across the horizon, Kaka'ako Makai was the last area of shoreline designated non-residential. 15 years ago the public spoke loud and clear about what they wanted. It was public access and NO residential development.

In my humble opinion Governor Abecrombie, gave this precious land to OHA because of the residential restrictions, specifically thinking OHA could change the standing law.

Residential development was not good then and it won't be acceptable now!

Sincerely

Jason D. Sakai

**SB-1334**

Submitted on: 2/14/2021 2:12:22 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Braden Iwami	Individual	Oppose	No

Comments:

Aloha, Please don't develop on the makai side of Kakaako. Keep this ocean front land open for all the public to use. Mahalo

**SB-1334**

Submitted on: 2/14/2021 2:44:42 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lori Silva	Individual	Support	No

Comments:

I **STRONGLY SUPPORT SB1334**, OHA looks to steward its 30 acres in Kaka'ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka'ako Makai parcels to resolve the \$200 million in past-due income from the Public Land Trust owed by the State of Hawai'i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our **Native Hawaiian identity, contributes to the economic and cultural revitalization of urban Honolulu, and generates revenues to support programs and services for its beneficiaries.**

For these reasons, I humbly request that this measure is passed out of your committee.

**SB-1334**

Submitted on: 2/14/2021 3:37:48 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Darryl Nordstrom	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose this bill.

If this bill passes, this area will surely be massively developed in the future.

There should be no residential development in this area as the current rules state.

We don't need more high rise condos for the ultra wealthy.

Please do what is right for ALL people of Hawaii.

Mahalo,

Darryl Nordstrom

**SB-1334**

Submitted on: 2/14/2021 3:52:42 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lorraine Garnier	Individual	Support	No

Comments:

Dear Legislators,

I fully support Bill SB1334 to allow the change of parameters needed to full fill the goal and plans.

Mahalo,

Lorraine Garnier

**SB-1334**

Submitted on: 2/14/2021 4:54:24 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Kimura	Individual	Oppose	No

Comments:

The ban on residential development of Kakaako makai was essential when it was first put in place, and it is even more essential now, especially considering the large amount of development happening on the mauka side. Thank you.



**SB-1334**

Submitted on: 2/14/2021 6:25:37 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jilleina Winchester	Individual	Support	No

Comments:

I **STRONGLY SUPPORT SB1334**, OHA looks to steward its 30 acres in Kaka'ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka'ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai'i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our **Native Hawaiian identity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries.**

For these reasons, I humbly request that this measure is passed out of your committee.

**SB-1334**

Submitted on: 2/14/2021 8:06:26 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lorrin Manoi	Individual	Oppose	No

Comments:

I oppose SB 1334.

Lorrin Manoi

**SB-1334**

Submitted on: 2/14/2021 8:16:19 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Summers	Individual	Oppose	No

Comments:

I oppose SB 1334.

-Mary Summers

February 14, 2021

To: Senator Maile S.L. Shimabukuro, Chair – Committee on Hawaiian Affairs  
Senator Stanley Chang, Chair – Committee on Housing

From: Louise Black Stevens, Kaka'ako Resident  
876 Curtis St, #3504  
Honolulu, HI 96813

Subject: Testimony in strong opposition to SB1334

We live on an island with only a limited amount of land. The beauty and cultural value of our remaining shorelines cannot be built up with tall condos for short term gain. It needs to be preserved in perpetuity. Oceanfront property is for everyone, locals and tourists, to enjoy. Just look at crowded Waikiki with tall buildings blocking the view, blocking access. I used to work in Waikiki in the 70s and now cannot bear to go to Waikiki because of the congestion and loss of interesting shops and clubs to multistory buildings. It's no wonder that many tourists (before pandemic) would bypass Oahu and fly directly to Maui! Why come here when we look like Miami?

Years ago it was proposed to put year round carnival rides and a ferris wheel on Magic Island, Ala Moana Beach Park. Can you imagine Magic Island now if the proposal had passed? Ridiculous, right?!

In 1976, Kaka'ako became a community development district under the HCDA to serve the "highest needs and aspirations of Hawaii's people". Kaka'ako's "highest needs" included affordable housing, reserving a share of housing for "low- or moderate-income households". Early HCDA newsletters touted a balanced mixed-use and mixed-income community. Instead, Kaka'ako is becoming a playground for the world's investors. How many of our residents can afford to buy an oceanfront condo? And what will happen with the projected sea level rise that will be higher than the current King Tides?

By building high rises on Kaka'ako Makai, OHA is not doing anyone (especially our future generations) any good in the long term.

**SB-1334**

Submitted on: 2/14/2021 8:28:16 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eugene Lee	Individual	Oppose	No

Comments:

**Senator Maile S.L. Shimabukuro, Chair - Committee on Hawaiian Affairs**

**Senator Stanley Chang, Chair - Committee on Housing**

**Subject: Testimony in strong opposition to SB 1334**

**Aloha Senators,**

**Thank you for this opportunity to express my opposition and concerns regarding SB 1334.**

**This bill is in opposition to the law that protects this land from development and to ensure that this last public ocean front land in Honolulu will be preserved for the enjoyment of all the People of Hawaii.**

**As Mr. Ron Iwami says in his testimony opposing SB 1334:**

**“You, the legislators, and the Office of Hawaiian Affairs, have a huge responsibility as stewards of this land to respect its history. You both have an opportunity to do something great, an opportunity to leave a lasting legacy not only for the Hawaiian people but all of Hawaii now and forevermore... “**

**Mahalo for this opportunity to express my opposition to SB 1334.**

**Eugene M.C. Lee**

**[eugenemcleemd888@gmail.com](mailto:eugenemcleemd888@gmail.com)**



335 Hahani Street #342132 \* Kailua, HI 96734 \* Phone/Fax (808) 262-0682 E-Mail: [hft3000@gmail.com](mailto:hft3000@gmail.com)

February 16, 2021

COMMITTEE ON HAWAIIAN AFFAIRS  
Senator Maile S.L. Shimabukuro, Chair  
Senator Jarrett Keohokalole, Vice Chair

COMMITTEE ON HOUSING  
Senator Stanley Chang, Chair  
Senator Dru Mamo Kanuha, Vice Chair

SB 1334  
RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Hawaii's Thousand Friends (HTF), a statewide nonprofit organization dedicated to reasonable, responsible and appropriate planning and land use, does not support SB 1334 that allows residential development in Kaka`ako Makai.

The 2006 the legislature banned residential development in Kaka`ako Makai in response to citizen's protests against A&Bs proposed condo development. The protests, then and now, show that residents *do not* want makai views, ocean access and open spaces covered with residential development.

According to HRS 206E-31.5 HCDA is prohibited from "Approving any plan or proposal for any residential development in that portion of the Kaka`ako community development district makai of Ala Moana Boulevard and between Kewalo Basin and the foreign trade zone."

While SB 1334 limits residential development to OHA property if allowed it not only violate HRS 206E-31.5 but approval is a foot in the door to allow *more* residential development in the future thus diminishing if not eliminating one of the last open public beach access areas in urban Honolulu.

HTF urges you to retain Kaka`ako makai open access to the shoreline, fishing, diving, body boarding and surf sites by holding SB 1334 in committee.

To: Senator Maile S.L. Shimabukuro, Chair - Committee on Hawaiian Affairs  
Senator Stanley Chang, Chair - Committee on Housing

From: Mālama Moana

Subject: Testimony in strong opposition to SB 1334

February 14, 2021

Dear Senators,

I am writing on behalf of Mālama Moana to strongly oppose SB1334 and to strongly support the written testimony of Friends of Kewalos.

This attempt to once again open up the shoreline for development and set a very bad precedent is deplorable and those pushing this forward again must be stopped. This was not acceptable before and it has not become acceptable now despite the passing of time.

The buzz word affordable housing has been used endlessly by developers and contracting companies and those who would like to realize more financial gain. Truly affordable housing is important, but why would you build this in a sea level rise flood zone? The homes along the coastline are either being threatened or already being damaged by erosion and sea level rise due to climate change. Owners of coastal property are either thinking of what to do about their situation or trying to sell it while they still can get something for their land.

The law has protected this land from becoming another Waikiki up till now to ensure



that this last public ocean front land in Honolulu will be preserved for the enjoyment of all the People of Hawaii. Let us not take away that protection of free ocean access for the people.

**PLEASE VOTE NO ON SB1334!**

Thank you very much for your consideration.

Sincerely,

Audrey Lee

Mālama Moana

malamaalamoana@gmail.com

**SB-1334**

Submitted on: 2/14/2021 8:32:42 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clara K Morikawa	Individual	Oppose	No

Comments:

Gentlemen:

I strongly oppose SB 1334. Please preserve this ocean front land for the people of Hawaii. There are so few ocean front properties left and Kakaako Makai is so conveniently located. Do it for the people.

Respectfully submitted,

Clara K Morikawa

**SB-1334**

Submitted on: 2/14/2021 9:08:30 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Stevens	Individual	Oppose	No

Comments:

I strongly oppose SB1334 for the "selling out" of our precious shoreline property. Kaka'ako makai should be saved for the people of Hawaii, visitors and future generations. Shoreline property should be open and accessible to all. There is only a limited amount of oceanfront property on this island. Our shoreline so close to Waikiki must be protected for environmental (ocean rise) and cultural purposes.

In the past, OHA had been encouraged to exchange the makai property for zoned lands where they could build to "highest and best use" to support their beneficiaries. This should be considered again. It might also allow more affordable housing for OHA beneficiaries.

**SB-1334**

Submitted on: 2/14/2021 9:20:29 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tadia Rice	Individual	Support	No

Comments:

I **STRONGLY SUPPORT SB1334**, OHA looks to steward its 30 acres in Kaka'ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka'ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai'i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our **Native Hawaiian identity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries.**

For these reasons, I humbly request that this measure is passed out of your committee.

**SB-1334**

Submitted on: 2/14/2021 9:38:28 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
RANDAL LUI-KWAN	Individual	Oppose	No

Comments:

I am very much against the changing of the current law to keep Kaka'ako Makai non-residenttal. These public lands should be kept for the use of all Hawaii's people, not to be sold for private use.or raised to increase density. Public lands in this, one of fhe last ocean front vestiges of urban Honolulu should be kept perpetuity accessible to ALL of Hawaii for generations to come. Mahalo for the opportiunity to weigh in on this very important subject. It is too late for Waikiki, but not too late for Kaka'ako.Please do the right thing. Pono for one is pono for all. .

**SB-1334**

Submitted on: 2/14/2021 10:24:34 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Adam Pellegrin	Individual	Support	No

Comments:

**I STRONGLY SUPPORT SB1334**, OHA looks to steward its 30 acres in Kaka‘ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka‘ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai‘i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our **Native Hawaiian identity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries.**

**It was a great achievement for former Governor Abercrombie to figure out a creative way to get the Office of Hawaiian Affairs money it is owed according to the State of Hawaii itself as established by our State Constitution. The Office of Hawaiian Affairs has faced an uphill challenge, figuring out which State departments derive income from Public lands, and by how much they have been underreporting their revenues. It wasn't until 2012 that all the departments which do derive income from Public lands were even submitting a dollar value.**

For these reasons, I humbly request that this measure is passed out of your committee.

**SB-1334**

Submitted on: 2/14/2021 10:31:13 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Winston Welch	Testifying for The Outdoor Circle	Oppose	No

Comments:

Dear Senators,

The Outdoor Circle has worked tirelessly to preserve and protect view planes for over a century. One of the last open pieces of urban public oceanfront lands in Kakaako Makai must not be allowed to have any development by its current owner nor the ability to transfer any such ability to another entity in the future. Please vote to keep these lands open, not increase any building heights allowed and not allow for residential development in the area. We must keep this space for the common good of all of our city and society, since so much else has been permantly lost.

Thank you for helping to keep Hawaii clean, green, beautiful, sustainable and livable by opposing SB 1334.

Winston Welch, Executive Director, The Outdoor Circle



**February 14, 2021**

To: **Sen. Maile Shimabukuro, Chair**  
**Sen. Jarrett Keohokalole, Vice Chair & Members of the**  
**Committee on Hawaiian Affairs**  
**Sen. Stanley Chang, Chair**  
**Sen. Dru Kanuha, Vice Chair & Members of the Housing Committee**

From: **Kali Watson**  
**President/CEO**  
**Hawaiian Community Development Board**  
**Honolulu, Hawaii 96813**

Re: **Hearing on SB 1334**  
**Relating to Residential and height restrictions on OHA lands in Kakaako**  
**Makai**  
February 16, 2021 at 1:00 pm  
Auditorium, State Capitol

**TESTIMONY IN SUPPORT**

Dear Chairperson Shimabukuro & Vice Chair Keohokalole of the Committee on Hawaiian Affairs, and Members; Chairperson Chang & Vice Chair Kanuha of the Committee on Housing, and Members:

Thank you for the opportunity to provide testimony in support of **SB 1334** relating to allowing residential development and lifting the height restrictions on OHA lands located in Kakaako Makai.

OHA's request to allow residential development and raise their building height restrictions on their lands in Kakaako Makai is totally appropriate and way overdue. When the restrictions were first imposed it was a way to stop massive hotel development right on the ocean front areas in Kakaako, which would be appropriate. However, the restrictions go too far in that residential highrises along the Ala Moana Boulevard is also prohibited. These locations will provide potential housing for Hawaiian beneficiaries, including some of the 28,000 on DHHL's waiting lists. The present 200-foot limit is too restrictive especially when you have the Collection condo building that is 400 feet high right across the street. With the tremendous need for housing, not only lifting the residential restrictions but allowing more units to built by raising the height of the buildings should be supported. There is very little land available on Oahu for our State's native Hawaiians. Kupuna housing, workforce housing, student/faculty housing and just plain affordable housing should be allowed in such an ideal urban Honolulu location. This is where the jobs are; the university is located; convenient services and entertainment are easily accessible to our kupuna. It's not right that the Hawaiians are being excluded? There is a housing crisis for Hawaiians that needs fixing. I urge you to please pass measure **SB 1334** out of your committees.

Pupuka I Holomua,

Kali Watson  
President/CEO

Chairman of the Board

Richard Soo

Secretary

Jackie Burke

Treasurer

Helen O'Connor

Board Members

Linda Ahue  
Duane Hewlen  
Puni Kekauoha  
Alfred "Bobby" Willing

President/CEO

Kali Watson

Senior VP

Patti Barbee



**SB-1334**

Submitted on: 2/15/2021 12:26:54 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Kobelansky Jr.	Individual	Oppose	No

Comments:

***Testimony regarding Makai lands:***

***Come on... Lovers of the Aina ...which is all who live here and all who write and approve laws here. The original law was created for a reason and approved for a reason...To stop unbridled development and corruption of the land, the very thing that sustains us and preserves our way of life.***

***SB 1334 is nothing but the same ole song, played over and over...a "Land-Grab", pure and simple. And it's all wrapped up in beautiful gold ribbon and sparkling sequins to entice and seduce us, to steal the land from under us and profit from it.***

***Don't let it happen.***

***Be proud of what we are and what we have already.***

***Honor the Keepers of the Land... our forefathers, the Hawaiians and Hawaiian at heart... the righteous, the pure, the untainted. If the Samoans, Tongans and Fijians can do it, so can we.***

***It's never too late***

***Stop this insanity now! DON'T DEVELOP.***

***Do not approve Senate Bill 1334.***

***Show true love for the Aina.***

***Keep the land open, unobstructed...free and clear..***

***It's the right thing to do. It's the only thing to do.***

***Imua,***

***John Kobelansky Jr (A resident of Kaka'ako)***

**SB-1334**

Submitted on: 2/15/2021 1:10:42 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marvin Yoshizumi	Individual	Oppose	No

Comments:

I am in strong opposition to SB1334.. We donot need more residential towers especially not on the makai side of Alamoana Boulevard.

Mahalo,

Marvin Yoshizumi

**SB-1334**

Submitted on: 2/15/2021 7:54:01 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Helene Phillips	Individual	Oppose	No

Comments:

I strongly oppose SB1334.

Please support the protection in place for no residential development on that land.

Thank you,

Helene Phillips



COMMITTEE ON HAWAIIAN AFFAIRS  
Senator Maile S. L. Shimabukuro, Chair  
Senator Jarrett Keohokalole, Vice Chair

COMMITTEE ON HOUSING  
Senator Stanley Chang, Chair  
Senator Dru Mamo Kanuha, Vice Chair

Date: Tuesday, February 16, 2021    Time: 1:00 p.m.    Place: Via Videoconference

## **Testimony of Kūpuna for the Mo'opuna**

SB 1334 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.  
**STRONG SUPPORT**

Aloha,

We, Kūpuna for the Mo'opuna, a group of kūpuna Hawaiian homestead farmers committed to the well-being of Hawai'i for the next generations to come, **are in strong support of SB 1334.**

SB 1334 will support the Office of Hawaiian Affairs as it seeks to properly steward its 30 acres in Kaka'ako Makai, maximizing benefits on these parcels received to resolve past due income from the Public Land Trust (PLT) owed by the State to PLT beneficiaries.

**We urge these Committees to PASS SB 1334.** Mahalo.

*Ua mau ke ea o ka 'āina i ka pono!*

## O'ahu Island Parks Conservancy

### SENATE COMMITTEE ON HAWAIIAN AFFAIRS

Senator Maile S.L. Shimabukuro, Chair

Senator Jarrett Keohokalole, Vice Chair

### SENATE COMMITTEE ON HOUSING

Senator Stanley Chang, Chair

Senator Dru Mamo Kanuha, Vice Chair

Monday, February 16, 2021

1:00 PM Hearing

### Senate Bill 1334

### Relating to the Hawaii Community Development Authority

Aloha Senate Committee Co-Chairs and Committee Members:

Senate Bill 1334 proposes to repeal the long-standing protective statute that was enacted to preclude residential development in Kaka'ako Makai to ensure that this shoreline area will remain open and accessible to all. Repealing the protective statute for this shoreline area makai of Ala Moana Boulevard will surely set a dangerous precedent for Hawai'i's land use laws overall.

OHA was seemingly short-changed when a 30-acre portion of Kaka'ako Makai was offered to OHA and accepted, a portion of which is a toxic hot-spot comprised of incinerator fill within an area that was once a thriving Hawaiian fishpond. In order to compensate for the shortcomings of this shoreline-zoned area, OHA has understandably struggled and endured challenges to achieve their objectives to support Hawaiian beneficiaries, and their corporate objectives of highest and best use by attempting to repeal the protective statute governing this shoreline area, HRS 206E-31.5:

**§206E-31.5 Prohibitions.** Anything contained in this chapter to the contrary notwithstanding, the authority is prohibited from: . . . (2) Approving any plan or proposal for any residential development in that portion of the Kakaako community development district makai of Ala Moana boulevard and between Kewalo Basin and the foreign trade zone. [L 2006, c 317, §1; am L 2014, c 61, §9]

Clearly the State Legislature did not permit repeal of this protective statute when first attempted, nor should this reversal be undertaken now or in the future.

Significantly, there appears to be a far better path for all concerned: the State Legislature by Resolution must encourage OHA to seek assistance from the State Office of Planning to determine the appropriately zoned State lands in central urban Honolulu to exchange in renewed compensatory value for their six (6) parcels in Kaka'ako Makai to develop to highest and best use in the quest to support the Hawaiian beneficiaries and OHA's programs and services. Such an exchange has been recommended to OHA by State Legislators since their first attempt to extinguish Kaka'ako Makai's protective statute.

The remainder of OHA's acreage in Kaka'ako Makai might also benefit significantly from the Guiding Principles for Kaka'ako Makai adopted by the Hawaii Community Development Authority in 2011:

Beginning in 2005 and extending through 2010, representatives of the larger community throughout O‘ahu, including Hawaiian cultural practitioners and educators, park users and shoreline surfers, representatives of the performing arts and sustainable agriculture, community leaders and residents of Honolulu communities from Downtown through Kaka‘ako to Manoa through Hawaii Kai, comprised the Kaka‘ako Makai Community Planning Advisory Council, the community-based planning group authorized by the Hawaii State Legislature to engage in planning the future of Kaka‘ako Makai. This highly organized effort produced the Kaka‘ako Makai Master Plan that was ultimately adopted by the Hawaii Community Development Authority in 2011.

The Vision and Guiding Principles serving as the foundation for the Kaka‘ako Makai Master Plan adopted by the HCDA are as follows:

### **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.<sup>1</sup>

Emphasize the host Hawaiian culture.<sup>2</sup>

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.

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<sup>1</sup> 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.

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

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.

### **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.<sup>3</sup>

Ensure planning and development safeguards to identify, document, retain, restore and protect makai-mauka and diamond head-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 spaces<sup>4</sup> 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.

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

<sup>4</sup> Inclusive of Kewalo Basin Park, Kaka‘ako Waterfront Park and Kaka‘ako Gateway Park.



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.

### **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.<sup>5</sup>

### **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,<sup>6</sup>

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;<sup>7</sup>

Restore the site-dependent use of Kewalo Basin Cove to the Kewalo Keiki Fishing Conservancy.<sup>8</sup>

### **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 Harbor<sup>9</sup> 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.

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<sup>5</sup> 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.

<sup>6</sup> §206E-31.5, Hawaii Revised Statutes.

<sup>7</sup> HCR 30, 2006.

<sup>8</sup> Act 3, 2007, Special Session.

<sup>9</sup> §206E-33(2), Hawaii Revised Statutes.

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.<sup>10</sup>

### **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.<sup>11</sup>

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.<sup>12</sup>

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.<sup>13</sup>

Ensure a community center for local families to gather, interact and learn from each other.

### **Small Local Businesses**

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.<sup>14</sup>

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.<sup>15</sup>

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.

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<sup>10</sup> 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.

<sup>11</sup> §206E-34(d)(3), Hawaii Revised Statutes.

<sup>12</sup> §206E-34(d)(5), Hawaii Revised Statutes.

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

<sup>14</sup> §206E-34(d)(2), Hawaii Revised Statutes.

<sup>15</sup> 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.

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.<sup>16</sup>

### **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 management<sup>17</sup> 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.<sup>18</sup>

### **Conclusion:**

With planning appropriate to Kaka‘ako Makai’s present land use laws and zoning regulations, and the recommended renewed compensatory land exchange in Honolulu’s central urban area with its existing highest-and-best-use zoning, OHA’s remaining vast portion of Kaka‘ako Makai can achieve many of the objectives and elements of the adopted Kaka‘ako Master Plan to compatibly thrive as a shoreline asset that showcases Native Hawaiian identity, contributes to the Hawaiian cultural revitalization of Honolulu, and generates revenues to support needed programs and services for Hawaiian beneficiaries.

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

<sup>17</sup> §206E-34(c)(3), Hawaii Revised Statutes.

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

Respectfully submitted,  
Michelle S. Matson  
President, O'ahu Island Parks Conservancy

**SB-1334**

Submitted on: 2/15/2021 10:51:49 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leimomi Khan	Individual	Support	No

Comments:

I support SB1334 as a means to clear the path to provide the opportunity for OHA to pursue residential development on its Kaka'ako properties, knowing full well that such development is subject to public hearings and approval by HCDA. I would note, too, that raising the building height to 400' feet is not an uncommon request as the City and County of Honolulu has that authority where there is a showing of community benefit and aligned with the Transit Oriented Development Plan for that geographic area.

**SB-1334**

Submitted on: 2/15/2021 10:58:31 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chelsea Iwami	Individual	Oppose	No

## Comments:

I am strongly opposed to SB1334. Personally, because it is the land that I grew up on. I surfed, ran, fished, and had family picnics there. It is a place that should be preserved for continuous use by the people to prolong the "island-style" living we hold so dear to us. I have witnessed for years, my father and his friends fight peacefully for the land that now so many people enjoy. I have realized that this is a continuous battle, each year bringing up more "plans" of building. Please preserve the one piece of south side Oahu (Makai) where the people of Oahu can enjoy their island lifestyle. Please continue to support the voice of the people you represent, and listen to their testimonies. As proven in the past by my father and his friends, the voice of the people can make a difference. Thank you!

**SB-1334**

Submitted on: 2/15/2021 11:00:43 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charmaine Mamaril	Individual	Oppose	No

Comments:

Back in 2005 when the Hawaii Community Development Authority announced plans to sell PUBLIC land to build luxury residential high rises In Kakaako Makai, the community fought to pass legislature to protect against it. Why would anyone think the community has changed their minds about this now? When writing SB1334 did the state of Hawaii truly ask its people / the public that is what they wanted? I am adamantly against any further development of the little coastline left in Kakaako Makai, as well as developing high rises greater than 400 feet. The current height of the high rises already in Kakaako do a good job of blocking the views of the Koolaus while I am at the park or surfing in Kewalo basin.

**SB-1334**

Submitted on: 2/15/2021 11:23:15 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stuart Coleman	Individual	Oppose	No

Comments:

Aloha, Chair, Vice Chair & Committee Members,

For many years, thousands of residents, many of whom were Native Hawaiian, have worked hard to maintain this open space in Kakaako. Our motto was and still is: SAVE KAKAAKO: PUBLIC LAND NOT FOR SALE! Please protect this area and do not allow yet another high-rise luxury condo go up in Kakaako. Mahalo for continuing to protect what we have fought so hard to save over the last decade and a half.

Aloha, Stuart Coleman



Senate Committee on Hawaiian Affairs  
Senator Maile S.L. Shimabukuro, Chair  
Senator Jarrett Keohokalole, Vice Chair

Senate Committee on Housing  
Senator Stanley Chang, Chair  
Senator Dru Mamo Kanuha, Vice Chair

Tuesday, February 16, 2021  
1:00 pm, Videoconference

SB 1334 - RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Aloha Chair Shimabukuro, Vice Chair Keohokalole, Senate Committee on Hawaiian Affairs members, Chair Chang, Vice Chair Kanuha, and Senate Committee on Housing members:

I am in **SUPPORT** of the intent of SB 1334, enabling the Office of Hawaiian Affairs (OHA) to maximize the income or proceeds that six of its Kaka‘ako Makai parcels of land conveyed by Act 15 could generate for the purposes of bettering the conditions of Native Hawaiians. OHA originally received these parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai‘i to OHA. OHA’s planning efforts to date have determined that the residential prohibition on these parcels prevents them from generating revenues consistent with a \$200 million investment. Developing these parcels to the specifications requested would not only provide OHA with increased revenue opportunities but also empower the agency to better meet the inordinate housing needs of Native Hawaiians.

From Mā‘ili, my name is Kamuela Werner. I graduated from Nānākuli High School, hold a Master of Public Health and am currently studying Applied Cultural Anthropology with a research focus in environmental racism against Native Hawaiians of Nānākuli-Wai‘anae. As a OHA beneficiary, the agency has supported my academic, professional, and community advocacy goals through its scholarships and programs.

Our State is forced to make tough financial decisions due to the COVID-19 pandemic and subsequently dire economic recession. Despite this circumstance, the State’s constitutional and fiduciary obligations to Native Hawaiians should be faithfully executed. Allowing OHA to develop it’s Kaka‘ako Makai parcels for residential use is an investment for all Hawai‘i residents which should not be upended by the aesthetic, visual, and recreational desires of those living mauka. What should be of greater priority is addressing the longstanding deplorable conditions of many Native Hawaiians who are disproportionately sick, houseless, and or impoverished in their own homeland. In fact, areas in the State with the lowest life expectancies are predominantly Native Hawaiian communities, my communities.<sup>1</sup> From a public health perspective, adequately resourcing our trust is a matter of life and death. To not do so, is both unconstitutional and institutionally racist.

Therefore, I strongly urge the committee to **PASS** SB 1334. Mahalo nui.

Ke aloha ‘āina,

Kamuela Werner, MPH

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<sup>1</sup>See the U.S. Small-area Life Expectancy Estimates Project data tables for Hawai‘i here: <https://www.cdc.gov/nchs/nvss/usaleep/usaleep.html>

**SB-1334**

Submitted on: 2/15/2021 11:48:01 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
roger apana	Individual	Support	No

Comments:

I support sd1334 because OHA should be allowed anything they want with land belonging to them. I do believe it was a shibi by Abercrombie to award property to OHA to compensate for debts owed by the state of Hawaii. He knew very well although it was in a great location it also came with a lot of restrictions to develop it. Problems he would pass to OHA that would divide the community and put OHA in a negative position. The state always seems to create controversial situations that hurt and divide the community to distract away from the real issue of paying debts owed to OHA. Enough is enough either take back Kakaako properly and fulfill your debt obligation or let OHA do as it please with the land. OHA should be a separate entity from the state and not a bad overseer.

Aloha, Roger Apana

Eileen Javar  
Written Testimony Opposing SB1334  
February 15, 2021

I strongly oppose SB1334. This bill is antithetical to the original mission of the Office of Hawaiian Affairs. The OHA was created on the premise that they would “*right the wrongs suffered by Native Hawaiians by the injustices resulting by the overthrow and annexation*”. Passing SB1334 bill will result in exactly what the expansionists did after Hawaii became a state, i.e., major developments for profit at the expense of not only the Native Hawaiians and locals, but also the environment. Also, professing that developing not only more high-rises, but higher high-rises to address the housing shortage is disingenuous

SB1334 bill will add to the global climate crisis. *Scientific evidence for rapid climate change is compelling. Current warming trend is proceeding at a rate that is unprecedented. “The ocean has absorbed much of this increased heat and earth stores 90% of the extra energy in the ocean.”* (<https://climate.nasa.gov/evidence/>). Hence, high-rise development in coastal areas like Ala Moana Blvd poses major risks due to sea level rises and ocean acidification. Costly sea defenses accelerate beach erosion and ultimately will fail to protect Hawaii’s coastlines from rising tides. Further, more high-rise development in an already densely populated area will only further stress the City’s infrastructures.

The State and City of Honolulu are ill prepared to meet the global climate crisis. They need to draft new codes informed by climate science that will create effective policies and regulate where developers can build. Also, their immediate attention should focus on retrofitting or adapting existing high-rises along Oahu’s coastlines to meet the global climate crisis, rather than creating/passing bills such as SB1334.

OHA claims to be a responsible developer, a Native Hawaiian developer. But, most Native Hawaiians live outside the City of Honolulu. Also, studies show that Native Hawaiians of all the major ethnics groups in Hawaii have the lowest median income and highest prevalence of poverty than any group throughout the state. So how does OHA *really* expect most Native Hawaiians to afford either renting or purchasing homes in Kaka’ako Makai even after “supposedly” making these residences affordable? What formula are they using to calculate low-income or affordable housing?

Further, Hawaii has one of the highest cost of living in the United States, but one of the lowest wages. So to fairly calculate affordable housing, you would have to first adjust for the cost of living in Hawaii, which means minus their annual salary by about \$15K or more, and then calculate “affordable” housing prices based on 80% of this minus salary amount. Again, Native Hawaiians make less than the average median salary so how does OHA really expect them to afford living in these new high-rises.

So who really will benefit from the development of more and higher high-rises in Kaka’ako Makai?

OHA’s short-sighted decisions in building more higher high-rises will harm not only Native Hawaiians, but all current and future generations of residents who live and work

in these flood prone communities as well as Hawaii's image as a desirable vacation destination.

OHA should ask themselves "Will more high-rises, high-density housing really resolve the housing shortage?"

OHA needs creative and forward thinkers to think outside of the box in planning new building development and upgrades to the current infrastructure. OHA should look at alternatives such as "low-rise, high-density" housings to mitigate affordable housing shortages and to address neglected communities in both urban and non-urban areas rather than relying on developing more high-rises in the Kaka'ako Makai neighborhoods.

Canadian and European cities such as Amsterdam, London and Seville have already begun developing these low-rise, high-density" housings; see <https://architizer.com/blog/inspiration/collections/low-rise-high-density/>.

Also, why not look at Paris where they have zoning laws to keep it a low-rise city with a center of few skyscrapers. It is a walkable city with many neighborhoods and each with businesses, shops and restaurants that have catered to their local communities for over a century.

Finally, Covid-19 has changed the dynamics of our daily life. It has changed our social and economic fabric. Hawaii has the highest unemployment in the nation. This pandemic raises all kinds of concerns about the future with no answers yet available. So shouldn't we wait for answers to these new socio-economic concerns before considering such a bill like SB1334 or plowing ahead with new development projects, especially since there are really no effective policies and building design that truly addresses the global climate crisis.

**SB-1334**

Submitted on: 2/15/2021 12:45:30 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Davis Price	Individual	Support	No

Comments:

I strongly support Native Hawaiians realizing the \$200 million value of settlement on back due amounts owed by the State of Hawaii and agreed to 9 years ago.

Testimony of John D. Waihee III, former Governor of the State of Hawaii

**Date:** February 16, 2021

**Subject:** SB1334

**To:** Maile Shimabukuro, Chair of the Senate Committee on Hawaiian Affairs  
Chair Stanley Chang, Chair of the Senate Committee on Housing

I write in **STRONG SUPPORT** of SB1334, which would grant OHA the ability to develop housing on six of the 10 parcels the State of Hawai'i conveyed to the agency to clear a more than 30-year debt - valued at \$200 million - that the State owed to the Native Hawaiian people.

Allowing Native Hawaiians greater freedom to decide how to manage their own lands to meet the needs of their people furthers the principle of indigenous self-determination first envisioned when we created OHA four decades ago.

As an **urban** district, Kaka'ako has afforded certain landowners, *other than Native Hawaiians*, significant benefit. In the time period between the so-called settlement and today, the escalation of value and use of lands just mauka of OHA's parcels has made the disparity even more stark. From a public policy viewpoint, when government decisions and market forces join in a way that further increases the divide between the Haves and the Have-nots, no amount of land *that cannot be developed to its potential* will make up for that divide.

The current restrictions on OHA's Kaka'ako parcels ensure that OHA will not enjoy the full benefits of the \$200 million it was owed. Moreover, prohibiting natives from building housing on their ancestral lands is an affront to the very principle of indigenous self-determination. SB1334 would correct this by removing the residential prohibition on some of OHA's parcels.

In closing, I urge the Committees to PASS SB1334. Mahalo for the opportunity to testify.



**SB-1334**

Submitted on: 2/15/2021 1:01:00 PM

Testimony for HWN on 2/16/2021 1:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Marissa Baptista	Individual	Support	No

Comments:

Aloha! I live in Moanalua and I **STRONGLY SUPPORT SB1334**, OHA looks to steward its 30 acres in Kaka'ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka'ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai'i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our **Native Hawaiian identity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries.**

For these reasons, I humbly request that this measure is passed out of your committee.



**LATE**

**SB-1334**

Submitted on: 2/15/2021 1:05:35 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jocelyn Leialoha M Doane	Individual	Support	No

Comments:

Aloha Chairs and Members,

Mahalo for the opportunity to submit STRONG SUPPORT for SB1334, which would allow OHA to make use of the lands the State transferred in 2012 to pay off a decades long obligation, valued at \$200 million.

The Hawai'i Admission Act, which admitted the State into the Union, and the State Constitution, established the Public Land Trust, comprised of lands stolen from the Hawaiian Kingdom and its people. As a result of the United States complicit actions in the illegal overthrow of the Kingdom and acceptance of these STOLEN lands, the United States required, and the State of Hawai'i accepted, that these lands would be held in trust for native Hawaiians and the public. The constitution and various statutes require that Native Hawaiians benefit from this trust through a pro rata share of the public land trust revenue.

For over a century, the State has not held up its end of the bargain. Even after clarification during the last constitutional convention, for decades, the State continues to refuse to properly compensate the Native Hawaiian community, even in light of clear data that OHA and the Native Hawaiian people are being grossly underfunded.

In addition to rectifying the ongoing issue of underfunding the Native Hawaiian people through the annual allocations to OHA, I urge your committees to allow OHA to utilize its Kaka'ako lands to generate revenue--the purpose for which the State transferred it in the first place. Although OHA wanted a cash settlement, after numerous lawsuits, failed bills, and attempts to negotiate, OHA accepted 30 acres of land in Kaka'ako Makai, and is actively working on completing its master planning for this land. With community input, OHA plans to convert Kaka'ako Makai into a revenue generating asset in a manner that demonstrates Hawaiian stewardship of these lands for generations to come. This asset will also eventually support Native Hawaiians' need for programs and services.

Mahalo Piha,

Jocelyn



**LATE**

**SB-1334**

Submitted on: 2/15/2021 1:07:30 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Bickerton	Individual	Oppose	No

Comments:

My name is Jim Bickerton. I'm an attorney who has fought for forty years to preserve beach access and ocean recreation resources for public use on Oahu. Our city has very few places for ordinary people who don't own beachfront property to access clean ocean areas. One of the few is Kakaako Makai, where surfers use Kewalos, Point Panic and Flies, and divers and fishermen use the shoreline extensively. We should not permit anything that reduces the access or ease of use, or increases the crowding and limits the parking, for these critical public uses. This issue was fought and settled several years ago. Why is it coming back? Legislators say they encourage public participation, and they got it last time. But when you just keep coming back and reopening an issue that the public spoke clearly on last time, you discourage the community and just increase the feelings of "its no use, they don't listen to us" that over time have degraded our democracy and civic discourse. Please show the people that you heard them last time, and don't make them go through this again.

Sincerely,

Jim Bickerton

**SB-1334**

Submitted on: 2/15/2021 1:22:07 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bridget Morgan	Individual	Oppose	No

Comments:

My name is Bridget Morgan. I am a attorney, surfer and mother of two young ocean users. My family and many others I know regularly access the shoreline of Kakaako Makai, use the Waterfront Park and frequent the Children's Discovery Center. I strongly oppose SB1334 because it will increase density in this important area and decrease access, parking and use for ordinary citizens who don't own the luxury oceanfront condos that are driving this bill. COVID-19 has really shown us how precious and important our public outdoor spaces are. Let's not take them for granted, or shrink them, directly or indirectly by squeezing them between ever larger development footprints. The spaces for our city to breathe are shrinking every year. Enough is enough!

Sincerely,

Bridget Morgan

**LATE**

**SB-1334**

Submitted on: 2/15/2021 2:24:08 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christine A Serafin-Clothier	Individual	Oppose	No

Comments:

I am writing as an individual in opposition to the request to allow high rise housing or other structures makai of Ala Moana Blvd on property currently owned by OHA

They were given a bad deal by then Governor Abercrombie; however they have NOT taken steps to exchange the property for land that is zoned to meet their needs. That is their problem. The land has restrictions for good reason.

We do not need a wall of high-rises on the shore line. There are agreement/laws in place too prevent this and OHA is asking to change.

Bad for the Environment and for the overall good of Hawaii. A new Hong Kong in the Pacific.

Christine A. Serafin-Clothier, property owner and voter!

**LATE**

**SB-1334**

Submitted on: 2/15/2021 3:04:23 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thomas Taam	Individual	Oppose	No

Comments:

I am in STRONG opposition to SB1334. I support PEOPLE over PROFITS and do not believe that this bill is in the best interests of the local PEOPLE of the State of Hawaii.

**SB-1334**

Submitted on: 2/15/2021 4:06:11 PM

Testimony for HWN on 2/16/2021 1:00:00 PM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Nishio	Individual	Oppose	No

Comments:

I am writing to express my strong opposition to SB1334, specifically regarding the allowance residential development in the Kakaako Makai areas.

Many of the development projects in that area to date are heavily marketed to foreign buyers and/or non-owner/occupied buyers with no ties to the community. As Hawaii residents that make use of the parks and coastlines are pushed further away from these areas by development, it seems the Hawaii legislature is sending a message to their constituents that their tax dollars are best spent specifically maintaining and improving areas they are not utilizing (e.g. Waikiki). We have seen many examples of laws to protect our coastlines not enforced. Third party development allowed so close to the coastlines puts public beach access rights at risk. In Kailua, short term rental home owners have been know to close off public beach access in residential areas. Along much of the beaches on Oahu, home owners are building illegal retaining walls to save their properties while speeding up the effects of erosion.

With climate change and rising sea levels expected to have an extraordinary effect on our islands, development on coastlines doesn't make long term sense. New development on Oahu seems to be focused on expanding the footprint for where tourists would feel comfortable over providing affordable housing for existing residents.

I hope you take these thoughts into consideration and oppose this bill.

Thank you for your time.

Sincerely,

Shannon Nishio

**SB-1334**

Submitted on: 2/15/2021 5:02:21 PM

Testimony for HWN on 2/16/2021 1:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Kauahi Perez	Individual	Support	No

Comments:

Dear Senate Committees on Hawaiian Affairs and Housing,

I **STRONGLY SUPPORT SB1334**, OHA looks to steward its 30 acres in Kaka'ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka'ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai'i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our **Native Hawaiian identity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries.**

For these reasons, I humbly request that this measure is passed out of your committee.

Respectfully,

Kauahi Perez



**LATE**

**SB-1334**

Submitted on: 2/15/2021 5:48:15 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Kalili	Individual	Support	No

Comments:

I **STRONGLY SUPPORT SB1334**, OHA looks to steward its 30 acres in Kaka'ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka'ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai'i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our **Native Hawaiian identity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries.**

For these reasons, I humbly request that this measure is passed out of your committee.

**LATE**

**SB-1334**

Submitted on: 2/15/2021 6:34:38 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kelii ho	Individual	Oppose	No

Comments:

A'ole sb1334.

**LATE**

**SB-1334**

Submitted on: 2/15/2021 7:15:11 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
S. Goto	Individual	Oppose	No

Comments:

Aloha,

I write in strong opposition to SB 1334 and the precedent that it will create. Thank you for your consideration.

Shereen Goto

**LATE**

**SB-1334**

Submitted on: 2/15/2021 7:18:43 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Van Acker	Individual	Oppose	No

Comments:

Dear Senators:

I am writing in strong opposition to SB 1334. The lands subject to development under this bill are the last public oceanfront lands in Kaka’ako Makai. This bill allows unfettered development in areas of tremendous cultural significance. The parcels subject to this bill are melting pots; places in which people from all walks of life, regardless of socioeconomic status, congregate to enjoy the land and the ocean. They are places in which status is earned by showing humility and respect to others. Erecting residential highrises in these parcels (and selling the units to the highest bidder) would meaningfully deprive many of the least-privileged community members of access to these vibrant public spaces. That would be a terrible mistake. I humbly and respectfully ask that this bill not move forward.

Aloha,

David Van Acker

\* Please note, this testimony is written in my personal capacity.

**LATE**

**SB-1334**

Submitted on: 2/15/2021 8:53:17 PM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marc A Wallenstein	Individual	Oppose	No

Comments:

I strongly oppose SB1334. I surf Kewalo Basin, and am a practicing attorney in Honolulu. Residential development should not be permitted at Kewalo Basin. It should be held in the public trust, accessible to all, rather than turned into luxury condominiums. OHA should not be allowed to sell development rights as a means to generate revenue, at the cost of the public enjoyment of the space for future generations.

**SB-1334**

Submitted on: 2/15/2021 10:35:09 PM

Testimony for HWN on 2/16/2021 1:00:00 PM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Blaine Cockett	Individual	Oppose	No

Comments:

I strongly oppose SB1334. Urban over development needs to stop and public lands need to be protected. Preserve this shoreline for future generations.

Bruce Lum  
99-546 Iwaiwa Street  
Aiea, Hawaii 96701

**LATE**

February 15, 2021

THE SENATE THIRTY-FIRST LEGISLATURE - REGULAR SESSION OF 2021  
COMMITTEE ON HAWAIIAN AFFAIRS

Re. Support for S.B. No. 1334

Aloha Chair Shimabukuro, Vice-Chair Keohokalole and committee members,

I am in strong support of S.B. No. 1334 described as follows:

A BILL FOR AN ACT

**Allows the raising of the building height limit for two of the six parcels owned by the office of Hawaiian affairs in the Kakaako makai area to four hundred feet. Lifts the current restriction against residential development in Kakaako makai to allow residential development by the office of Hawaiian affairs or by third parties to which the office of Hawaiian affairs conveys the parcels.**

As a native Hawaiian, I am particularly supportive of the following sections within SB 1334, because it will empower OHA's board of trustees to exercise and fulfill its purpose.

§...effectively and responsibly fulfill the constitutional obligation to native Hawaiians under article XII, sections 4 and 6, of the State Constitution between November 7, 1978, up to and including June 30, 2012 . . .and providing additional resources to the office in the form of fee simple title to certain parcels of land....

§Particularly pertinent to the purpose of Act 15, in section 6, the legislature further declare that "[t]he [p]roperties conveyed by this Act shall be deemed income and proceeds from the public land trust, as if the [p]roperties had been paid out of the income and proceeds from the public land trust pursuant to article XII, section 6 of the State Constitution.

§...The legislature further finds that even more revenue could be generated to provide programs and services to better the conditions of native Hawaiians, if the office of Hawaiian affairs were permitted to develop some or all of the parcels it received under Act 15 for residential use.

§The legislature agrees that the residential development restriction to which all of the parcels transferred to the office of Hawaiian affairs by Act 15 were and continue to be subject should be lifted to the extent necessary to allow the office of Hawaiian affairs to realize the maximum income or proceeds that the parcels identified by tax map key (l) 2-1-58-129 (Lot A), tax map key (l) 2-1-58-6 (Lot E), tax map key (l) 2021-0982 SB SMA d C 4 2-1-60-26 (Lot F/G), tax map key (l) 2-1-15-6l (Lot I), and tax map key (l) 2-1-15-51 (Lot L) could generate if they were developed for residential use.

I encourage you to pass SB 1334 for adoption of this Act.

Respectfully and appreciatively,

A handwritten signature in black ink, appearing to read "Bruce D. Lum". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Bruce Lum



**LATE**

**SB-1334**

Submitted on: 2/16/2021 2:24:05 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Noalani Nakasone	Individual	Support	No

Comments:

Aloha Senate Committees on Hawaiian Affairs and Housing,

I strongly support SB1334. OHA looks to steward its 30 acres in Kaka’ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. OHA originally received its Kaka’ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai’i to OHA and its beneficiaries. However, planning efforts to date have shown that the residential prohibition on these lands cap their value far short of \$200 million.

OHA has committed to implementing a plan for a mixed-use project that showcases our **Native Hawaiian identity, contributes to economic and cultural revitalization of urban Honolulu and generates revenues to support programs and services for its beneficiaries.**

For these reasons, I humbly request that this measure is passed out of your committee.

Mahalo,

Noalani Nakasone

Kaua`i, Hawai`i

**LATE**

**SB-1334**

Submitted on: 2/16/2021 8:59:39 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Cruise	Individual	Oppose	No

Comments:

I strongly opposed this bill. Oahu's shorelines are for the public. Private landowners are chipping away at public access all over Oahu. The Kakaako waterfront serves thousands of Honolulu residents. It must not be taken away.

**SB-1334**

Submitted on: 2/16/2021 9:07:16 AM

Testimony for HWN on 2/16/2021 1:00:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sharlene Chun Lum	Individual	Support	No

Comments:

Aloha KĀ• kou,

I support the intent of SB1334 to allow OHA to develop 2-6 parcels in Kaka`ako. OHA originally received its Kaka`ako Makai parcels in 2012 to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai'i to OHA. The residential prohibition on these lands prevents OHA from generating revenues consistent with a \$200 million investment.

In 1978 the people of Hawai'i voted to create the Office of Hawaiian Affairs to promote and protect the rights of Native Hawaiians, the first peoples of Hawai'i. OHA is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.

It is OHA's duty to be good stewards of their lands, to responsibly use their resources for their beneficiaries, whose needs are great.

It would be disingenuous for the State to call it a fair trade if OHA is prohibited from building responsibly on it. If the State does not allow OHA to responsibly utilize the full potential of the land, it would make the purpose of the 2012 agreement moot. Can the state offer OHA the funds owed in cash or offer other usable lands worth the same amount with the same potential to compensate for the delinquent payment of what was owed to OHA?

Please pass SB1334 and allow OHA the means to better serve the first peoples of Hawaii, with more sustainable programs . This is long overdue and should have been done in 2012.