



**HAWAII COMMUNITY
DEVELOPMENT AUTHORITY**

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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

HOUSE COMMITTEE ON WATER & LAND

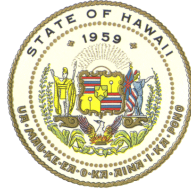
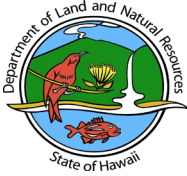
Tuesday, March 23, 2021, 8:30 A.M.
Conference Room 430 & Videoconference

In consideration of
SB 140, SD2, HD1
RELATING TO COMMUNITY DEVELOPMENT.

Chair Tarnas, Vice Chair Branco, and members of the Committee. The Hawaii Community Development Authority (HCDA) **supports SB 140, SD 2, HD1** requiring HCDA to develop a transit-oriented development zone for lands within county-designated transit-oriented development zones or within a one-half mile radius around fixed transit stations.

Thank you for the opportunity to provide support for this bill.

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER & LAND**

**Tuesday, March 23, 2021
8:30 AM**

State Capitol, Via Videoconference, Conference Room 430

**In consideration of
SENATE BILL 140, SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO COMMUNITY DEVELOPMENT**

Senate Bill 140, Senate Draft 2, House Draft 1 proposes to require the Hawaii Community Development Authority (HCDA) to develop a transit-oriented development (TOD) zone improvement program. The measure also proposes to authorize the HCDA to establish TOD zones for lands within county designated TOD zones or within a one-half mile radius around fixed transit stations. **The Department of Land and Natural Resources (Department) supports this measure.**

The Department has four parcels adjacent or in close proximity to the Keone`ae rail station in East Kapolei which could be benefitted by this measure. The Department's objective is to lease the parcels to generate critically needed income to support the Department's natural resource management and protection programs. Planned uses for the parcels include commercial, retail, office, light industrial, mixed use and affordable housing purposes. Additionally, the East Kapolei Neighborhood TOD Plan has accepted the Department's proposed uses for the parcels. In order to successfully develop and utilize these parcels, infrastructure would need to be developed at significant cost. The Department is committed to working collaboratively with other stakeholder agencies to address infrastructure needs in a collaborative and cost-effective manner. The Department believes that this measure could potentially contribute significantly to that objective and offers its support.

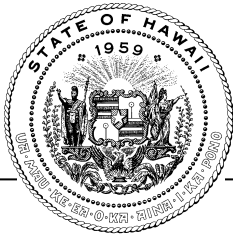
Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

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Statement of
MARY ALICE EVANS
Director, Office of Planning before the
HOUSE COMMITTEE ON WATER AND LAND
Tuesday, March 23, 2021
8:30 AM
Via Videoconference

in consideration of
SB 140, SD2, HD 1
RELATING TO COMMUNITY DEVELOPMENT.

Chair Tarnas, Vice Chair Branco, and Members of the House Committee on Water and Land.

The Office of Planning (OP) **strongly supports** SB 140, SD2, HD 1, which would authorize the Hawai'i Community Development Authority (HCDA) to establish transit-oriented development (TOD) improvement zones. State coordination and collaboration with the counties and public utilities on the delivery of needed infrastructure improvements is vital to the success of State TOD projects and provision of affordable housing in TOD-designated areas on O'ahu and the Neighbor Islands.

HD 1 would provide HCDA broad and flexible authority to coordinate—in collaboration with impacted State, county, and private sector stakeholders—the planning, financing, and delivery of regional infrastructure for TOD on O'ahu and the Neighbor Islands. With the amendments made in HD 1, HCDA would be able to fill gaps in infrastructure financing and/or infrastructure project delivery, and promote the seamless handoff of infrastructure improvements to the functional agencies that will be responsible for operation and maintenance once infrastructure improvements are completed whether by HCDA or another entity.

This new program would free individual State agencies to focus their efforts on vertical construction of their projects, with HCDA managing horizontal construction of offsite supportive infrastructure.

We note the following:

1. The title for the new Part should be “Program” rather than “Project”; and
2. HD 1 removes the funding for staff to administer the program. Given the current need for TOD infrastructure investment, we recommend restoring funding.

Thank you for the opportunity to testify on this measure.

Relating to the Hawaii Community Development Authority
Tuesday, March 23, 2021
8:30 AM Hearing

COMMITTEE ON WATER & LAND

Rep. David A. Tarnas, Chair
Rep. Patrick Pihana Branco, Vice Chair

Rep. Sonny Ganaden	Rep. Dee Morikawa
Rep. Bertrand Kobayashi	Rep. Takashi Ohno
Rep. Sam Satoru Kong	Rep. Bob McDermott

NOTICE OF HEARING

DATE: Tuesday, March 23, 2021
TIME: 8:30 a.m.
PLACE: VIA VIDEOCONFERENCE
Conference Room 430
State Capitol
415 South Beretania Street

Testimony SB140 SD2 HD1 Comments: Kaka'ako Makai Prohibition

Aloha David A. Tarnas, Chair and Patrick Pihana Branco, Vice Chair and the Committee on Water & Land:

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 HCR30 (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 the Kaka'ako Makai 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.

SB140 SD2 HD1: Requires the Hawaii community development authority to develop a transit-oriented development zone improvement program. Authorizes the Hawaii community development authority to establish transit-oriented development zones for lands within county-designated transit-oriented development zones or within a one-half mile radius around fixed transit stations. Effective 7/1/2050. (HD1)

Please amend SB140 SD2 HD1 to include: §206E-31.5 HDCA Prohibitions on Kaka'ako Makai Residential Development and Sale of State Land in the Kaka'ako Community District.

§206E-31.5 HDCA Prohibitions: Anything contained in this chapter to the contrary notwithstanding, the authority is prohibited from:

- (1) Selling or otherwise assigning the fee simple interest in any lands in the Kaka’ako community development district to which the authority in its corporate capacity holds title, except with respect to:
 - (A) Utility easements;
 - (B) Remnants as defined in section 171-52;
 - (C) Grants to any state or county department or agency;
 - (D) Private entities for purposes of any easement, roadway, or infrastructure improvements; or
 - (E) Reserved housing as defined in section 206E-101; or

- (2) 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. [L 2006, c 317, §1; am L 2014, c 61, §9]

The [Kaka’ako Makai Conceptual Master Plan](#) is based on the assumption that if the Arizona Memorial and Hanauma Bay can attract over 1,000,000 visitors a year, a well-planned multi-cultural gathering place in Kaka’ako Makai would be able to attract enough people to sustain venues like: the Museum for Hawaiian Music and Dance (\$35MM), Community Center (\$10MM), Performing Arts Venue (\$55MM) and a Surf and Watersport Museum (\$30MM). If these 4 projects were implemented by OHA they could have added \$130 million in value to its property along with jobs and cultural pride not only for the Hawaiian Community but a benefit for the entire state. Other concepts include a permanent “Mauka to Makai” Farmer’s Market and Seafood Market. OHA can also seek federal and state subsidies and grant money to plan and develop projects to further support the Hawaiian Community’s Cultural and fundraising activities. The Kaka’ako Makai Master Plan was created to transform the land into a gathering for locals and visitors to enjoy Hawaiian and multi-cultural exhibitions including: fish and farmer’s markets, performing arts venues, watersports innovation and history and hall of fame for Hawaiian music, dance, watermen and waterwomen.

When OHA made its second attempted (2014) 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 that legislative session. Strong environmental, legal and safety concerns continue today with a February 18, 2021 Staradvertiser.com poll showing OHA’s residential plans are still very unpopular:

BIG Q

Should the residential prohibition on Kakaako Makai be lifted to enable the Office of Hawaiian Affairs to optimize use of its lands?

Feb. 18, 2021



C. No; keep sites low-rise makai of Ala Moana (531 Votes)

A. Yes; enable high-rise housing, advance OHA mission (114 Votes)

B. Maybe; open to hearing more (76 Votes)

This is not a scientific poll — results reflect only the opinions of those voting.

Kaka’ako Makai was also a city dump with an incinerator. Hazardous waste includes Lead, Arsenic, Asbestos and PBC. These toxic materials exist in the substrata. Toxic soil remediation for this area is currently by

capping the hazardous waste with barriers including impermeable membranes, asphalt, gravel, concrete, roads and buildings. An Army Corp. of Engineers study stated that the fill covering the preexisting reef is constantly

As the spokesman for the Kaka'ako Makai CPAC we strongly urge that SB140 SD2 HD1 be amended to include: §206E-31.5 HDC A Prohibitions on Kaka'ako Makai. The creation of a good business plan will allow OHA and Hawaii's communities to make sustainable revenue from the lands in Kaka'ako Makai for future generations. Development focusing on a Hawaiian Community Center and the preservation of its cultural heritage would bring the highest returns for the Hawaiian community and the state. Planning and negotiations with OHA to implement the Kaka'ako Makai Master Plan and guiding principles with the support of local communities could prove to create better value and sustainability for all Communities.

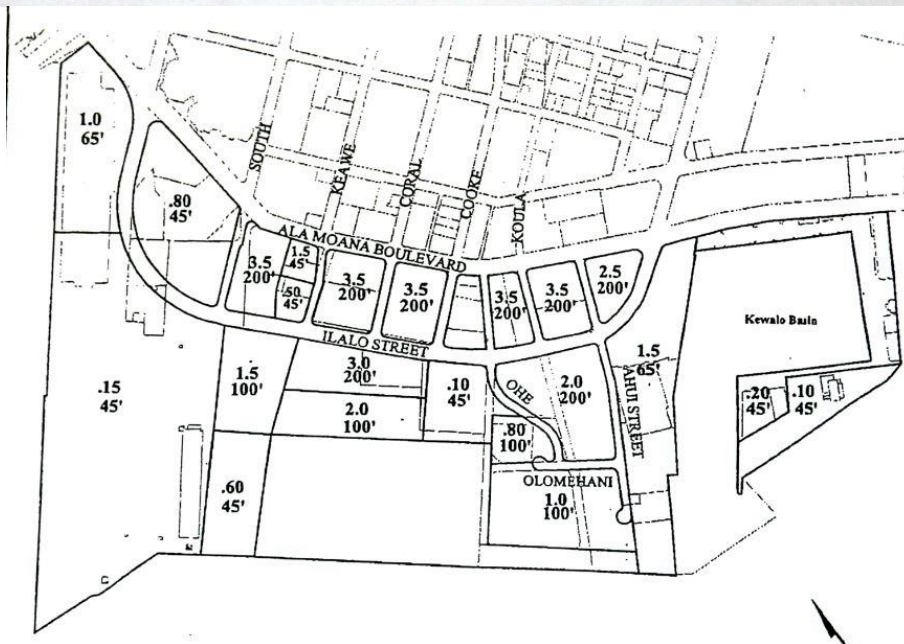
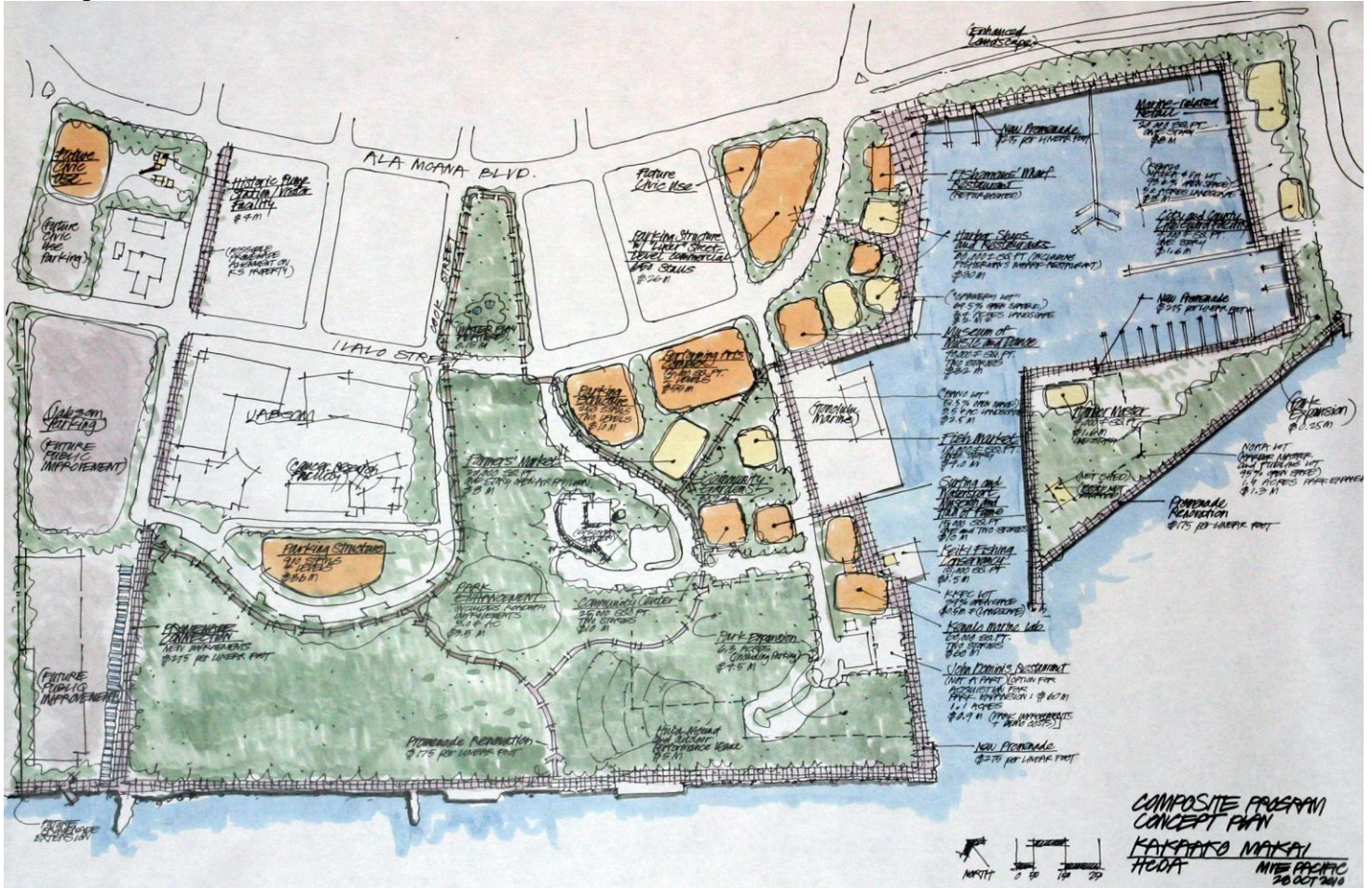
Respectfully,

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

Exhibits:

In 2011 the Kaka'ako Makai Conceptual Master Plan was completed and approved by the Hawaii Community Planning Authority (HCDA) Board in 2011. The completion and approval of the Kaka'ako Makai Master Plan

concluded CPAC's formal relationship with HCDA as defined by HRS 206E-35. Since then, CPAC has continued its role with Kaka'ako Makai as an independent and public community group by holding regular monthly meetings at the HCDA conference room, participating at HCDA monthly staff briefings, providing interested parties with information regarding the Kaka'ako Makai Conceptual Master Plan and the Kaka'ako Makai Vision Guiding Principals, providing feedback and testimony on relevant Kaka'ako Makai matters at HCDA Monthly board meetings and provide the community with updates on Kaka'ako Makai issues and developments.



THE VISION FOR KAKA‘AKO MAKAI

The Hawaiian Place of Ka‘ākaukukui and Kukuluae‘o

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

GUIDING PRINCIPLES

Community Cultural Gathering Place

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

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

Hawaiian Culture and Values of the Ahupua‘a

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

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

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

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

Open View Planes

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

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

Coastal and Marine Resources

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

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

Expanded Park and Green Space

Ensure expansion of Kaka‘ako Makai’s shoreline parks as significant landscaped open spaces 4 joining the lei of green parks extending from Diamond Head (Lē‘ahi) to Aloha Tower.

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

Public Accessibility

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

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

Public Safety, Health and Welfare

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

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

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

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

- Preclude the sale of public land and development of housing in Kaka‘ako Makai;⁶
- Demonstrate commitment to serve the highest needs and aspirations of Hawaii’s people and the long-term good of Hawaii’s residents and future generations through community-based planning;⁷

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

Kewalo Basin

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

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

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

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

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

6 §206E-31.5, Hawaii Revised Statutes.

7 HCR 30, 2006.

8 Act 3, 2007, Special Session.

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

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

Cultural Facilities

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

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

Small Local Business

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

- Ancillary small businesses may include diverse local restaurants, cafés, small shops, markets or other uses that

will complement the recreational, cultural, harbor or other public facilities serving the community interest.¹⁴

- Encourage small local enterprises that emphasize the Hawaiian culture and support traditional local products, rather than large corporate retailing attractions.

Site Design Guidelines – A Hawaiian Sense of Place in Landscape, Setting and Design

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

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

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

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

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

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

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

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

Community/Government Planning Partnership

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

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

Future Funding and Management

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

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

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

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

DEVELOPMENT DISTRICT

§206E-34 Cultural public market. [Act 231, 2005)

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



Hawaii's Thousand Friends

335 Hahani Street #342132 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail: htf3000@gmail.com

March 3, 2021

COMMITTEE ON WATER & LAND

Rep. David A Tarnas, Chair

Rep. Patrick Pihana Branco, Vice Chair

Committee Members

SB 140 SD2 HD1

RELATING TO COMMUNITY DEVELOPMENT

Hawaii's Thousand Friends, a non-profit organization dedicated to ensuring that growth is reasonable and responsible and that planning and land use decisions protect natural and cultural resources and human health and are implemented in conformity with the law, opposes the creation of transit-oriented development around transit stations.

TOD is defined as a neighborhood with a *transit station* or stop (train station, metro station, tram stop, **or bus stop**) with a ½ mile radius that is surrounded by relatively high-density development with progressively lower-density development spreading outward from the center.

The use of *transit station* implies that HCDA and the counties can determine TOD zones within ½ mile radius of bus stops, bus hubs and bus terminals, which are included in the definition of transit station.

Transit station means a dedicated transit facility where several transit routes converge, designed to accommodate several **buses** at once to permit transfer between transit routes

Transit station means a rail or light-rail station, ferry terminal, Bus Hub, or Bus Transfer Station.

It has been our understanding that Transit Oriented Development (TOD) was designated for development within the ½ mile radius of each of the 21-stations along the 20-mile rail route.

Counties have land use and infrastructure planning and implementing processes each with public involvement components. This bill does not include public involvement and encroaches on home rule by requiring HCDA, a state agency, to *identify necessary TOD development zone public facilities*.

To help ensure that TOD does not circumvent county general and development/sustainable communities plans or make every bus stop in every community vulnerable to TOD development within a ½ mile radius we recommend that the word **rail** be added to transient-oriented development to read rail transit-oriented development.

Adding the word rail clarifies that the true intent of TOD is to promote development around O'ahu's 21 rail stations and not promote unplanned development statewide.

SB-140-HD-1

Submitted on: 3/21/2021 4:16:06 PM

Testimony for WAL on 3/23/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Prentiss	Individual	Oppose	No

Comments:

This Bill is outrageous. Do you really want to bypass all State and County planning, zoning and infrastructure requirements to allow TOD designed development around all bus stops Statewide? If you mean rail stations. the Bill should say so, not bus stops.

SB-140-HD-1

Submitted on: 3/21/2021 5:44:20 PM

Testimony for WAL on 3/23/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Lane	Individual	Oppose	No

Comments:

Please vote against SB140 SD2/HD1. The way this is written is in a way to open the door to much more development than Oahu needs or wants. Whose interests are being served by allowing development within 1/2 mile of any "fixed transit station?" A fixed transit station can mean any of the following: bus stop, bus barn, Biki station, park-n-ride.

Coastal areas like Kailua, Waimanalo, Kahuku, and North Shore are already high-density due to the lack of land. And there are bus stops all around the island of Oahu. This kind of text is usually used to describe a "fixed RAILROAD station" and, as written, would be a disaster for Oahu. It is more important than ever to be very careful regarding development on our Island. Vote NO.

Mahalo,

Jennifer Lane

1015 Aoloa Place

Kailua, HI 96734

SB-140-HD-1

Submitted on: 3/21/2021 10:27:00 PM

Testimony for WAL on 3/23/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Otto Zaa	Individual	Oppose	No

Comments:

Aloha Chair Tarnas, Vice Chair Branco and Members,

There seems to be confusion with common folk like me with respect to transit-oriented developments and the definition of "transit stations." The average resident has come to associate TODs with the rail stations. However, there is concern that the definition has been broadened to include bus stops. If that is the case, please amend this bill to be specific and limited to rail stations only.

Mahalo for your consideration.

Christine Otto Zaa

SB-140-HD-1

Submitted on: 3/22/2021 1:48:42 PM

Testimony for WAL on 3/23/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jerry lam	Individual	Oppose	No

Comments:

Testimony for SB140 SD2:

Requires the Hawaii community development authority to develop a transit-oriented development zone improvement program. Authorizes the Hawaii community development authority to establish transit-oriented development zones for lands within county-designated transit-oriented development zones or within a one-half mile radius around fixed transit stations. Effective 7/1/2050. (HD1

Relating to the Hawaii Community Development Authority

Tuesday, March 23, 2021

8:30 AM Hearing

[COMMITTEE ON WATER & LAND](#)

Rep. David A. Tarnas, Chair

Rep. Patrick Pihana Branco, Vice Chair

Rep. Sonny Ganaden Rep. Dee Morikawa

Rep. Bertrand Kobayashi Rep. Takashi Ohno

Rep. Sam Satoru Kong Rep. Bob McDermott

NOTICE OF HEARING

DATE: Tuesday, March 23, 2021

TIME: 8:30 a.m.

VIA VIDEOCONFERENCE

Conference Room 430

PLACE:

State Capitol

415 South Beretania Street

Testimony SB140 SD2 HD1 Comments: Kaka'ako Makai Prohibition

Aloha David A. Tarnas, Chair and Patrick Pihana Branco, Vice Chair and the Committee on Water & Land:

My name is Jeremy Lam and 14 years ago we worked hard to keep high rise development off limits at Kakaako Makai. OHA and this legislation know the rules and would like to change them now to benefit themselves. It is one of the few public beaches open to residents of Oahu besides Ala Moana and Kaimana Beach. The wonderful island view planes of the ocean to the mountains are diminishing by the day. Let us ,ake it one more gathering place for the community--- open grass, restrooms, bbqs, parking wiwth easy access to the beach. This will be a great legacy for the children that come after us. Please do not allow HCDA to develop these precious lands.

Sincerely,

Jeremy Lam

2230 Kamehameha Avenue

Honolulu, HI 96822

SB-140-HD-1

Submitted on: 3/22/2021 2:57:05 PM

Testimony for WAL on 3/23/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Hicks	Individual	Oppose	No

Comments:

Aloha. I am Chairman of the Kailua Neighborhood Board but am submitting this testimony opposed to SB 140 as it is currently written as an individual.

The City and County of Honolulu and Honolulu’s rail project have often promoted “transit-oriented development” within a half-mile radius of planned rail stations as a related benefit of the rail project. This is well understood and seemingly has broad support.

Under the guise of “transit-oriented development” there has been a history of attempts to inappropriately apply exemptions envisioned for rail stations to other applications including a simple bus stop.

As an example, in 2012 SB 2927 could have effectively bypassed county zoning processes, environmental review, public input, and property rights for those affected within ½ mile (or any other radius adopted by the city council) of any “bus transit station or center, as designated by the county”. Oahu’s Sustainable Communities Plans and height limits could be bypassed. Furthermore, that bill would have allowed county councils to fast-track any size and height development project without any need for zoning changes, variances, LUO changes, or even a final signature from the mayor. If located within a “developed community” the developer would not even have to worry about infrastructure capacity, or pay for utility expansion. That was all being done under the guise of transit improvement. In 2012 the tip-off was a simultaneous push by the Honolulu Department of Transportation Services and The Bus to designate a “Bus Transit Center” in Kailua, which was essentially just the co-location of bus stops in the vicinity of Macy’s (at the time). So, if SB 2927 had been enacted in 2012, and DTS made a simple declaration of a Bus Transit Center in Kailua as they had proposed to do, that could have allowed a developer wanting to build, say, a 15-story hotel in downtown Kailua, to follow a fast-track DPP/City Council approval process and be legally allowed to bypass all zoning laws. The Kailua Neighborhood Board established a position in 2012 opposing that initiative. Fortunately, the connection between the two initiatives made the potential consequences apparent and SB 2927 was defeated and DTS did not make the transit center designation.

The history of 2012 is reason for caution and, unless SB 140 is made crystal clear about fixed transit station applicability to rail stations only, history could repeat itself and, as

written, SB 140 could potentially be misused. To clarify the intent of SB 140, where it currently states “proposed fixed transit stations” and “along a transit corridor” I urge the use of “proposed fixed rail transit stations” and “along a rail transit corridor”.

SB-140-HD-1

Submitted on: 3/22/2021 10:27:19 PM

Testimony for WAL on 3/23/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharlene Chun Lum	Individual	Oppose	No

Comments:

SB 140, SD2, would authorize the Hawai'i Community Development Authority (HCDA) to establish transit-oriented development (TOD) improvement zones, and a TOD zone improvement program with funding for temporary staff to administer the TOD zone improvement program.

I oppose this bill as the future of Rail is uncertain. We've all seen business and families be forced out of properties prematurely, with plans that change, making their displacement unnecessary and creating unnecessary hardships.

Furthermore, TOD, once promoted as a way to develop around the 21 rail stations along O`ahu's 20-mile rail line, has branched out to include bus stops. A TOD zone includes all parcels of land located within that ½ mile radius.

Real property within a designated TOD shall be assessed according to the special benefits conferred upon the real property by the public facilities. Without careful oversight, areas designated TOD will drive out affordable housing. Look what happened to Kaka`ako under HCDA. Plenty luxury condos, very little affordable housing.