



**SB736**  
RELATING TO HOUSING  
Senate Committee on Water and Land  
Senate Committee on Hawaiian Affairs

February 8, 2023

01:05 PM

Room 415

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The Office of Hawaiian Affairs (OHA) is in **STRONG SUPPORT** of SB736, which provides the necessary statutory authority to facilitate residential development of OHA's Kaka'ako parcels in furtherance of the State's fulfillment of the promise made to the Native Hawaiian people.<sup>1</sup>

**The State of Hawai'i was established upon the very promise to advance the betterment of conditions of Native Hawaiians.<sup>2</sup> In failing that promise, the State promised, once again, to advance the betterment of conditions of Native Hawaiians<sup>3</sup> – the conditions of a people who were nefariously brought to the brink of extinction;<sup>4</sup> robbed of their government, their lands, their culture, and their identity;<sup>5</sup> and in surviving historical injustices, now endure the vestiges of systemic oppression and institutionalized racism evidenced by the many scars of inequity and disparity.**

The majority of Native Hawaiian families, in Hawai'i, are unable to make ends meet,<sup>6</sup> with 63% of Native Hawaiians reporting that they are finding it difficult to get by.<sup>7</sup> Native Hawaiians have the lowest household income.<sup>8</sup> Native Hawaiians have the highest poverty rates for individuals and families.<sup>9</sup> Native Hawaiians make less money,<sup>10</sup> with lower

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<sup>1</sup> Act 15 (SLH 2012);

<sup>2</sup> Pub. L. 86-3, 73 Stat. 4, Sec. 5(b) (1959).

<sup>3</sup> Act 15 (SLH 2012).

<sup>4</sup> OHA Databook, The population of the Hawaiian Islands: 1778-1896, available at <http://www.ohadatabook.com/T01-01-11.pdf>.

<sup>5</sup> "If we are ever to have peace and annexation the first thing to do is to obliterate the past," stated by Samuel Mills Damon, Vice President of the Provisional Government and executive council of the Republic of Hawai'i, Council of State (Provisional Government of the Hawaiian Islands, 1895). 26 November 1895. Hawaii State Archives Series 424 Vol. 4.

<sup>6</sup> Aloha United Way / United for ALICE, *ALICE in Hawai'i: 2022 Facts and Figures*, Nov. 2022, p.6.

<sup>7</sup> Id. at 9.

<sup>8</sup> Dept. of Business, Economic Development and Tourism, *Demographic, Social, Economic, and Housing Characteristics for Selected Race Groups in Hawaii*, Mar. 2018, p.3.

<sup>9</sup> Id. at 13.

<sup>10</sup> OHA Report, *Affordable Housing for Hawai'i and Native Hawaiians: Exploring Ideas and Innovation*, Aug. 2020, p.10.



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average earnings for both men and women.<sup>11</sup> Native Hawaiians have the highest rate of using public assistance and homeless services.<sup>12</sup> Native Hawaiians are overrepresented among the homeless in Hawai‘i.<sup>13</sup> OHA is deeply concerned with Native Hawaiians being driven out of Hawai‘i by economic instability stemming from socio-political-economic upheaval, which has largely disconnected Native Hawaiians from their ‘āina for more than a century. Today, more Native Hawaiians live outside of the Hawaiian Islands, far beyond the boundaries of their own homeland.<sup>14</sup>

**The thrust of this measure is to advance the long-established policy that has continuously brandished the Legislature’s ongoing support for, and recognition of, the State of Hawai‘i’s trust obligations to the Native Hawaiian people.**<sup>15</sup> The Legislature promised “to resolve and extinguish, finally and completely” any outstanding debt resulting from its compensatory obligations to Native Hawaiians;<sup>16</sup> a debt that was to be repaid through the exchange of lands; lands that were formally Hawaiian lands; lands that were promised to, one day, provide homes for Native Hawaiians. **The State promised better. That promise, has yet to be honored.**

Hakuone is OHA’s instrument, soundly resounding amidst the symphony of solutions to address and provide relief for the long-standing inequities and disparities faced by the Native Hawaiian people. This measure presents an opportunity for the Legislature to continue its support for Native Hawaiians by assisting in the establishment of this necessary infrastructure for sweeping monumental change for the betterment of conditions of Native Hawaiians.

OHA appreciates the opportunity to provide its strong support for this measure and respectfully urges the Legislature to PASS SB736. Mahalo nui loa.

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<sup>11</sup> Dept. of Native Hawaiian Health, John A. Burns School of Medicine, *Assessment and Priorities for the Health and Well-Being in Native Hawaiians and Pacific Islanders*, 2020, p.12.

<sup>12</sup> Id.

<sup>13</sup> Partners In Care, *2022 Point In Time Count*, p.7.

<sup>14</sup> “Estimates from the American Community Survey showed that in 2011, there were about 296,400 Native Hawaiians in Hawai‘i and about 221,600 on the continental U.S. Just a decade later, those numbers flipped. In 2021, there were about 309,800 Native Hawaiians in Hawai‘i and about 370,000 in other states,” Hawaii Public Radio, *More Native Hawaiians Flock to mainland cities and leave Hawai‘i*, Jan. 23, 2023, *citing high costs*, citing the US Census Bureau’s American Community Survey 2021.

<sup>15</sup> Pub. L. 86-3, 73 Stat. 4, Sec. 5(b) (1959); Haw. Stat. Con. Art. XII; HRS §10.

<sup>16</sup> Act. 15 (SLH 2012).



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**  
S.B. NO. 736, RELATING TO HOUSING.

**BEFORE THE:**  
SENATE COMMITTEES ON WATER AND LAND AND ON HAWAIIAN AFFAIRS

**DATE:** Wednesday, February 8, 2023      **TIME:** 1:05 p.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Ryan K. P. Kanakaole, Deputy Attorney General

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Chairs Inouye and Shimabukuro and Members of the Committees:

The Department of the Attorney General offers the following comments because the Department has concerns that this bill could be challenged as special legislation in violation of article XI, section 5, of the Hawai'i State Constitution.

This bill: (1) authorizes the Hawai'i Community Development Authority (HCDA) to approve the residential development on nine specified parcels of land in Kaka'ako Makai, O'ahu, conveyed to the Office of Hawaiian Affairs (OHA) pursuant to Act 15, Session Laws of Hawaii 2012 (Act 15), (2) exempts those nine parcels from the requirement to dedicate public facilities of land or facilities, or cash payments, as a condition of development, (3) raises the building height limit and increases the maximum floor area ratio for residential development on three of the nine specified parcels owned by OHA, (4) amends HCDA's prohibition on the sale or assignment of fee simple interest in land in the Kaka'ako Community Development District, (5) appropriates \$65,000,000 to OHA for repairs to bulkheads and revetments located on the Kaka'ako Makai lands received pursuant to Act 15, and (6) appropriates funds to OHA to compensate for the difference between the purported \$200,000,000 in value of the Kaka'ako Makai lands conveyed to OHA pursuant to Act 15 and the actual value of those lands.

Article XI, section 5, requires the State to legislate over its lands or lands under its control through general laws as opposed to special laws. As currently drafted, this bill appears to be special law because it proposes to lift the residential and height restrictions on specifically identified parcels of State land. To address this constitutional concern, we suggest amending the bill as follows:

1. Delete the reference to "Kakaako Makai" in the title of the new section on page 23, line 8;
2. At page 23, lines 11-16, page 25, lines 10-12, and page 25, lines 18-20, replace the tax map key numbers with the phrase, "parcels owned by the Office of Hawaiian Affairs" and;
3. Strike the wording regarding amendment of tax map key numbers on page 23, lines 16-19, and page 25, lines 13-15.

Finally, we have concerns that this bill incorrectly assumes that the Kaka'ako Makai parcels conveyed to OHA pursuant to Act 15 were valued at \$200,000,000 without consideration of the prohibition against their being developed for residential use. Section 2 of Act 15 provides that the parcels were to be conveyed "as is, where is" and clarifies that "as is, where is" "means that [OHA] is accepting the Properties in their existing condition as of March 1, 2012, . . . without representations or warranties of any kind or nature." Section 2 of Act 15 further clarifies that the parcels would be subject to all laws except sections 206E-8, 206E-10, and 106E-34, Hawaii Revised Statutes (HRS). The restriction on residential development in Kaka'ako Makai set forth in section 206E-31.5, HRS, existed on March 1, 2012, and was not carved out as an exception. The building height restriction contained in section 15-23-63, Hawaii Administrative Rules, also existed on March 1, 2012, and was not carved out as an exception.

Attached to this testimony is a copy of the last report from OHA's expert regarding the values of the nine Kaka'ako Makai parcels to be transferred to OHA under what would become Act 15. OHA's expert confirmed that both OHA's and the State's valuations were based on commercial use only, without any residential development. We therefore suggest striking the wording at page 16, lines 17-19 and section 6 of this bill on page 28, line 15, through page 29, line 8.

Thank you for the opportunity to provide these comments.



**HAWAI'I COMMUNITY  
DEVELOPMENT AUTHORITY**

547 Queen Street, Honolulu, Hawai'i 96813  
Telephone: (808) 594-0300 Fax: (808) 587-0299  
Web site: <http://dbedt.hawaii.gov/hcda/>

JOSH GREEN, M.D.  
GOVERNOR

CHASON ISHII  
CHAIRPERSON

CRAIG K. NAKAMOTO  
EXECUTIVE DIRECTOR

Statement of  
**Craig K. Nakamoto, Executive Director**  
Hawai'i Community Development Authority

before the joint Senate  
**COMMITTEE ON WATER AND LAND**  
and the  
**COMMITTEE ON HAWAIIAN AFFAIRS**

Wednesday, February 8, 2023  
1:05 PM  
State Capitol, Conference Room 229

In consideration, of  
**S.B. 736**  
**RELATING TO HOUSING.**

Chairs Inouye and Shimabukuro, Vice Chairs Elefante and Fevella, and members of the Committees.

The Hawai'i Community Development Authority (HCDA) offers the following **comments and suggestions on S.B. 736**. The measure proposes to allow HCDA to approve residential development on nine parcels of land that were conveyed to the Office of Hawaiian Affairs (OHA) through Act 15 (SLH 2012). It raises the height limit in Kaka'ako Makai to 400 feet and more than doubles the density on three of the nine parcels, exempts these parcels from public facilities dedication, exempts the prohibition on sale or assignment of fee simple interest in land in the Kaka'ako Community Development District, and appropriates funds for repairs and for compensation.

To frame our comments, it is necessary to revisit the findings and purposes contained in the 1976 legislation establishing the HCDA, which is excerpted as follows:

*“ . . . The legislature finds that a new and comprehensive authority for community development must be created to join the strengths of private enterprise, public development and regulation into a new form capable of long-range planning and implementation of improved community development. The purpose of this chapter is to establish such a mechanism in the Hawaii community development authority, a public entity which shall determine community development programs and cooperate with private enterprise and the various components of federal, state, and county governments in bringing plans to fruition. For such areas designated as community development districts, the legislature believes that the planning and implementation program of the Hawaii*

*community development authority will result in communities which serve the highest needs and aspirations of Hawaii's people" (emphasis added).*

The underlined words emphasize that planned development and building communities are at the heart of our mission.

To further frame our comments, and to build on the concept of planned development, our comments on the proposed amendments to §206E, *Hawai'i Revised Statutes* (HRS), in this measure, are intended to be landowner-neutral and focus rather on sound community planning principles.

1. Section 1 (Page 1 to Line 4 of Page 23)—Legislative Findings. HCDA offers no comments.

2. Section 2 (Page 23, Line 5 to Page 26, line 11)—Residential Development, Public Hearing, Height Limit, Floor Area Ratio, Disclosures and Nuisance Mitigation.

A. Residential Development, §206E-\_\_\_, (a), (Page 23, Lines 8 to 21).

i. Currently, residential development is not allowed in Kaka'ako Makai due to *Act 317 (SLH 2006)*. The Hawai'i State Legislature had codified this ban after overwhelming community opposition to HCDA plans for residential mixed-use developments in this area. HCDA rules and plans had previously prevented residential uses in Kaka'ako Makai between 1990 and 2005. At the time, it was thought that the envisioned public amenities—such as an amphitheater or cultural facility—would generate a significant amount of noise that would be incompatible with residential uses. Residential uses were also seen as conflicting with the active waterfront environment and industrial uses. Later, community concerns centered around preserving access to the waterfront for fishing, surfing, and other public uses.

The current *Kaka'ako Makai Conceptual Master Plan* was adopted by the HCDA in 2012 after extensive community and stakeholder consultation. It envisions significant public facilities, such as a performing arts center, museum, or market, along with shops and restaurants. This plan is based on 14 guiding principles that are dominated by the community's desire to create a gathering place centered around Hawaiian values (attached).

Senate Bill 736 is not a blanket request for residential development in Kaka'ako Makai. It is limited to and only applies to the nine parcels of land transferred to the OHA by *Act 15 (SLH 2012)*.

For clarity and avoidance of doubt, if the restrictions on residential development are removed for the subject OHA-owned parcels, the HCDA would still require

applicants to follow the development permit processes in accordance with the *Makai Area Rules* in *Chapter 15-23, Hawai'i Administrative Rules (HAR)*, and HCDA will be required to follow the contested case hearing process set forth in §§206E-5.5 and 206E-5.6, HRS.

ii. The “provided further” language contained on Page 23, Lines 19 to 21, could create ambiguity or uncertainty by implying that HCDA may approve, after review, an application after the applicant conducts what is described as a “public hearing” on Page 24, Lines 1 to 20, which is essentially the applicant’s community outreach process to gather community input on a pre-application submittal basis. To be clear, an application for development on the OHA parcels will require a review pursuant to contested case hearings, pursuant to §§206E-5.5 and 206E-5.6, HRS, in addition to meeting other requirements and compliance with the development permit processes set forth in *Chapter 15-23, HAR*. We suggest that the language starting with “provided further” in lines 19-21 on Page 23 be deleted to avoid ambiguity.

B. Applicant’s “Public Hearing” Process, §206E-\_\_\_, (b), (c) (Page 24, Lines 1 to 20). For clarification and to reiterate, a single “public hearing” (Line 4) described in this part of the measure essentially refers to the applicant’s community outreach process that would be exempt from some part of Chapter 91. In no way does applicant’s public hearing restrict or eliminate the requirement for the HCDA to conduct contested case hearings under §§206E-5.5 and 206E-5.6, HRS.

C. HCDA’s Public Hearing, §206E-\_\_\_, (d) (Page 25, Lines 1 to 7). The language in lines 1 to 7 should be deleted. The HCDA is required by law to conduct contested case hearings pursuant to §§206E-5.5 and 206E-5.6, HRS, enacted by Act 251 (SLH 2006). These sections require public statewide notice and two hearings, a presentation hearing and decision-making hearing. Since the enactment of these two sections in 2006, the process has worked, affording the public more opportunities to review a development application. This measure’s suggested language reduces public opportunity to review a proposed project.

D. Height and Density (Floor Area Ratio), §§206E-\_\_ (e) and 206E-\_\_(f) (Pages 25 Lines 8 to Lines 20). This measure also asks for the height limits to be raised to 400 feet and the density to be increased on three of the OHA-owned parcels, consisting of four Lots E, F, G and I, in Kaka’ako Makai. The current rules allow for 45- and 65-foot tall buildings immediately along the waterfront, 100-foot-tall buildings surrounding the Kaka’ako Waterfront Park, and 200-foot-tall buildings only along Ala Moana Boulevard. Note that ever since the first community plan was adopted for Kaka’ako Makai in 1983, the maximum building heights have always been set at 150 to 200 feet. This was designed to create a visual transition from the ocean up to the 400-foot height limits elsewhere in the city, and to consider utility adequacy and other issues which were raised during the planning process.

These existing building height limits are associated with higher building densities along Ala Moana Boulevard and are designed to create a diverse urban form. Building densities are measured by Floor Area Ratio (FAR). FAR is the total amount of floor space in a building divided by the size the land parcel; a higher FAR represents a bigger building with more activity. The current Kaka'ako Makai rules provide for smaller buildings with FARs of 0.6 to 1.5 along the waterfront, which increase up to FARs of 2.5 and 3.5 along Ala Moana Boulevard. S.B. 736 proposes to increase the maximum permitted FAR to 6.0 in four of the OHA-owned lots.

Since Kaka'ako development plans are under *Chapter 343, HRS*, and have far-reaching impacts on the community's future, an environmental assessment (EA) or environmental impact statement (EIS) would need to be conducted before any increases in height or density are permitted. This assessment would include analyses of infrastructure capacity, traffic analysis, view corridors, and other environmental impacts. This would afford an opportunity for public consultation that should be necessary for doubling the permitted building height and more than doubling the floor area ratio on Kaka'ako Makai land parcels. A new EIS or EA should be conducted to fully disclose the environmental impacts of increased building height and floor area ratio makai of Ala Moana Boulevard, before the height limit and floor area ratio are increased.

The higher intensity of development proposed by OHA raises other issues that were not contemplated when the existing *2005 Makai Area Plan and Rules* were promulgated. The impact of sea level rise on building design and siting should be considered in any development. The cost of mitigating known hazardous materials present on some of the OHA-owned parcels will need to be factored into any development.

E. Disclosures and Nuisance, §206E- (g) (Page 26, Lines 1 to 11). Mandatory disclosure requirements may not mitigate the potential for future conflicts between residents and noise-generating activities. Previous environmental impact statements and community development plans had indicated that residential uses in Kaka'ako Makai were incompatible with cultural entertainment or waterfront industrial uses. The noise, vibration, and air-quality impacts of adjacent transportation facilities, including Ala Moana Boulevard, Kewalo Basin Harbor, Honolulu Harbor, and Honolulu International Airport should be comprehensively analyzed as a part of an EA or EIS. Appropriate mitigation requirements may also need to be implemented as a condition of development.

3. Section 3, §206E- (g) (Page 26, Line 14 to 21)—Dedication for Public Facilities. This measure also exempts all developments on OHA-owned lands in Kaka'ako Makai from the requirement of public facilities dedication. The purpose of public facilities dedication from a proposed development is to enhance the quality of the public urban environment within the development by requiring parks, public plazas, and



community gathering spaces. The HCDA uses these fees to purchase, create, expand, or improve public facilities within the district. These fees are part of the development permit process, and are established by the value of four per cent of residential floor area and three percent of commercial and community service floor area. Public projects and eleemosynary (i.e. non-profit) organizations are exempted from these fees. Exempting a development from this requirement will result in a less than desired public urban environment for the development as well as the larger Kaka'ako community.

HCDA opposes exempting developments from this requirement for the reasons stated above. Therefore, the language in Section 3 of the measure should be deleted in its entirety.

4. Section 4, §206E-31.5 (Page 27, Lines 6 to 20, and Page 28, Lines 1 to 4)—Prohibitions. The language to be added is unnecessary and should be deleted.

5. Section 5, Appropriation (Page 28, Lines 5 to 14). HCDA offers no comments.

6. Section 6, Appropriation (Page 28, Lines 15 to 21, and Page 29, Lines 1 to 8). HCDA offers no comments.

As the State's redevelopment agency, HCDA is very supportive of appropriate development that is supported by the community. Looking back at the different iterations of plans and proposals for this area, one of the consistent visions for Kaka'ako Makai is that it is a gathering place for the community; including the arts, cultural, restaurants, shopping and entertainment facilities—as appropriate for a working waterfront, such as the very successful Pike Place Market in Seattle, Fisherman's Wharf in San Francisco, or Granville Island in Vancouver, British Columbia.

Thank you for the opportunity to provide testimony.

Table 1. Kaka'ako Makai Conceptual Master Plan Report Guiding Principles  
[https://dbedt.hawaii.gov/hcda/files/2015/03/11\\_0404\\_KM-FINAL-REPORT.pdf](https://dbedt.hawaii.gov/hcda/files/2015/03/11_0404_KM-FINAL-REPORT.pdf)

Theme	Guiding Principles
Community Cultural Gathering Place	<p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>
Hawaiian Culture & Values of the Ahupuaa	<p>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></p> <ul style="list-style-type: none"> <li>• Emphasize the host Hawaiian culture.<sup>2</sup></li> <li>• Incorporate the ahupuaa 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>

Theme	Guiding Principles
Open View Planes	<p>Protect, preserve and perpetuate Kaka'ako Makai's open view planes from the mountains to the sea as an inherent value of the Hawaiian ahupuaa and an important public asset for residents, visitors and future generations.<sup>3</sup></p> <ul style="list-style-type: none"> <li>• Ensure planning and development safeguards to identify, document, retain, restore and protect makai-mauka and diamond head-ewa open view planes to the Koolau mountains, Diamond Head (Leahi) and the Waianae mountains as seen from the view vantage areas and vicinities of Kaka'ako Makai's public lands and Kewalo Basin Harbor</li> </ul>
Coastal and Marine Resources	<p>Preserve, restore and maintain Kaka'ako Makai's valuable coastal and marine resources for present and future generations.</p> <ul style="list-style-type: none"> <li>• Enable the monitoring, protection, restoration, and conservation of natural coastal and ocean resources, including reef and marine life, through responsible stewardship and sustainable practices.</li> <li>• Protect and sustain the coastal environment for cultural uses including fishing, ocean gathering, surfing and ocean navigation.</li> </ul>
Expanded Park and Green Space	<p>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 (Leahi) to Aloha Tower.</p> <ul style="list-style-type: none"> <li>• Implement the Hawaiian values of the ahupuaa and malama aina by preserving shoreline open space, protecting scenic coastal and marine resources, and respecting the natural interaction of people, land, ocean and air.</li> <li>• Welcome residents and visitors alike with green open space, abundant shade trees and opportunities for family recreation.</li> <li>• 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.</li> </ul>

Theme	Guiding Principles
Public Accessibility	<p>Provide open and full public access to recreational, cultural and educational activities within and around Kaka'ako Makai's parks and ocean shoreline.</p> <ul style="list-style-type: none"> <li>• Ensure complete public recreational access with minimal impact to the environment, including drop-off accommodation of ocean recreation equipment and connections to public transportation.</li> <li>• Provide a shoreline promenade and tree-lined paths to safely and comfortably accommodate pedestrians, bicyclists and the physically impaired.</li> <li>• 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.</li> </ul>
Public Safety, Health & Welfare	<p>Ensure that Kaka'ako Makai is a safe and secure place for residents and visitors.</p> <ul style="list-style-type: none"> <li>• Keep public use areas safe day and night for public comfort and enjoyment.</li> <li>• Ensure that exposure to land and ocean is environmentally safe for people and marine life by assuring timely investigation, determination, and remediation of contaminants.</li> <li>• 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></li> </ul>
Public Land-Use Legislation - Public Use of Public Lands in the Public Interest	<p>Recognize and respect the effort and intent of the Hawai'i 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.</p> <ul style="list-style-type: none"> <li>• Preclude the sale of public land and development of housing in Kaka'ako Makai;<sup>6</sup></li> <li>• Demonstrate commitment to serve the highest needs and aspirations of Hawai'i's people and the long-term good of Hawai'i's residents and future generations through community-based planning;<sup>7</sup></li> <li>• Restore the site-dependent use of Kewalo Basin Cove to the Kewalo Keiki Fishing Conservancy.<sup>8</sup></li> </ul>

Theme	Guiding Principles
Kewalo Basin	<p>Ensure that the Harbor's identity is retained with continued small commercial fishing and excursion boat uses, keiki fishing, marine conservation, research and education, and accessible open space expanding the lei of green between Ala Moana Park and Kaka'ako Waterfront Park.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Ensure that Kewalo Basin will continue as a State of Hawai'i commercial harbor and valuable public facility asset by repairing, maintaining and enhancing the harbor for small commercial fishing and excursion boat use.</li> <li>• Ensure the protected use of Kewalo Basin Cove for Kewalo Keiki Fishing Conservancy keiki fishing and marine conservation programs.</li> <li>• Support Kewalo Marine Laboratory's valuable marine biology and ecosystems research and education in the vicinity of Kewalo Basin.</li> <li>• • Ensure preservation of Kewalo Basin Park, the net house and parking lot for public use, improve existing facilities within the park, and provide green open space between Ala Moana Park and the channel frontage.<sup>10</sup></li> </ul>
Cultural Facilities	<p>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.</p> <ul style="list-style-type: none"> <li>• 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></li> <li>• 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></li> <li>• 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 ahupuaa between the mountains and the sea.<sup>13</sup></li> </ul>

Theme	Guiding Principles
Small Local Business	<p>Apportion a limited number of small local businesses to assist in cooperatively sustaining Kaka'ako Makai's public use facilities.</p> <ul style="list-style-type: none"> <li>• 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></li> <li>• Encourage small local enterprises that emphasize the Hawaiian culture and support traditional local products, rather than large corporate retailing attractions.</li> </ul>
Site Design Guidelines - A Hawaiian Sense of Place in Landscape, Setting and Design	<p>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></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Identify, protect, preserve, restore, rehabilitate, interpret and celebrate Kaka'ako Makai's historic sites, facilities, settings, and locations.</li> <li>• Maintain the quality of coastal environmental elements including natural light, air and prevailing winds.</li> <li>• Mandate sustainability principles, conservation technologies, and green building standards for buildings, grounds and infrastructure.<sup>16</sup></li> </ul>
Community/ Government Planning Partnership	<p>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:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• Openly communicating with the State Legislature and other elected public officials;</li> <li>• 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.</li> </ul>

Theme	Guiding Principles
Future Funding & Management	<p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• This conservancy may be a public/private partnership of the Kaka'ako Makai Community Planning Advisory Council (CPAC), the Hawai'i 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>17</sup></li> </ul>

Notes:

<sup>1</sup> Hawai'i State Constitution, Article XII, Section 7. Inform the planning process by the principles and traditions of the ahupuaa, and inspire the master plan by the interconnected relationship of people.

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

<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.

<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.

<http://beta.abc3340.com/news/tories/1007/460171.html> and [http://www.nytimes.com/2007/10/05/us/05labs.html?\\_r=1.html](http://www.nytimes.com/2007/10/05/us/05labs.html?_r=1.html)

<sup>6</sup> §206E-31.5, Hawai'i Revised Statutes.

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

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

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

<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), Hawai'i Revised Statutes.

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

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

<sup>14</sup> §206E-34(d)(2), Hawai'i 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 setbacks and inviting open architecture at the street level.

<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), Hawai'i Revised Statutes.



*Ko`olau Foundation*

P. O. Box 4749

Kane`ohe, HI 96744

[malamapono744@aol.com](mailto:malamapono744@aol.com) / [koolaufoundation@gmail.com](mailto:koolaufoundation@gmail.com)

February 5, 2023

To: Sen. Lorraine R. Inouye, Chair  
Sen. Brandon J.C. Elefante, Vice Chair  
& Members, Committee on Water & Land  
  
Sen. Maile S.L. Shimabukuro, Chair  
Sen. Kurt Fevella, Vice Chair  
& Members, Committee on Hawaiian Affairs

From: Aaron D. Mahi, President  
Mahealani Cypher, Board Member

Re: S. B. 736, Relating to Housing – SUPPORT

Aloha Chairs Inouye and Shimabukuro, Vice Chairs Elefante and Fevella, and Committee Members:

The Ko`olau Foundation offers its strong support for passage of Senate Bill 736, which would allow residential development on lands conveyed to the Office of Hawaiian Affairs in 2012 in Kaka`ako-makai and provides for other accommodations for this property's future development and use.

Our organization has always supported the preservation of historic sites and cultural properties, and the perpetuation of Hawaiian traditional and customary practices. We have been concerned about these lands at Kaka`ako-makai ever since they were conveyed to OHA as part of the settlement. We were not convinced that this arrangement was to the benefit of Native Hawaiians, whose trust is held by OHA.

In our view, the 2012 settlement actually cheated the Native Hawaiian people by attaching these unusual restrictions on how these lands could be used. Similar restrictions, for the most part, were not imposed on all those high-priced highrises built just across Ala Moana Boulevard from OHA's lands at Kaka`ako-makai.

We urge your committees to demonstrate your desire to support the Hawaiian people by approving this bill.

Mahalo for considering our mana`o.



[COMMITTEE ON WATER AND LAND](#)  
Senator Lorraine R. Inouye, Chair  
Senator Brandon J.C. Elefante, Vice Chair

[COMMITTEE ON HAWAIIAN AFFAIRS](#)  
Senator Maile S.L. Shimabukuro, Chair  
Senator Kurt Fevella, Vice Chair

Wednesday, February 8, 2023

1:05 pm

Room 229

State Capitol

### **Testimony in Strong Opposition to SB 736**

Aloha,

Since most of the legislators were not here in 2005 and 2006 when the Residential Ban and No Selling of Public land got passed, I would like to take this opportunity to share a brief history of the preservation of public land in Kaka'ako Makai.

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, Hawai'i State Bodsurfing Association, Da Hui, Surfrider Foundation, Sierra Club, Life of the Land and others. This 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. Governor Abercrombie encouraged OHA to take the land settlement and not worry about the residential ban. OHA got the land, but the exception bill died due to public opposition. They tried again in 2014 and 2021 to get the exception bill passed, but again the People prevailed. Power of the People. Now, they are trying for the fourth time to pass a bill that would allow residential development in Kaka'ako makai.

I would like to share part of an article by former Governor George Ariyoshi that he wrote for Hawai'i Business News in 2006 about ourmounting opposition to the KM sale of Public Land to build luxury high rise residential towers because it ties into 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 potentially would have made from the KM land sale to A&B back in 2006 would have long been forgotten. Today, the money would be gone. I know other landowners are waiting in the wings to build too and 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 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 Hawai‘i. It is too late for Waikiki, but not too late for Kaka‘ako Makai.

I hope you enjoyed and learned from this story.

We need to think beyond the “Making of a Quick Buck.” In 10 years, the money will be gone. The residential towers, if allowed to be built, will alter public access to the ocean. True riches of the land come when you can provide for the people year after year, generation after generation in perpetuity. That is how we all THRIVE.

Mahalo for this opportunity to share this history because you need to know this to help you make an informed decision and I encourage you to support the cause to prevent residential development in Kaka‘ako Makai.

Ron Iwami  
Friends of Kewalos, President  
Non Profit 501C-3

# IRON WORKERS STABILIZATION FUND

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February 8, 2023

1:05 pm

Senate Committees on Water Land and Hawaiian Affairs

Conference Room 229 & Videoconference  
State Capitol  
415 South Beretania Street

**LATE**

Re: SB736 - RELATING TO HOUSING.

Aloha Chair Lorraine Inouye, Vice Chair Brandon Elefante, Chair Maile Shimabukuro, Vice Chair Kurt Fevella, and Members of the Senate Committees:

We **SUPPORT** the intent of SB736 which allows the Hawai'i Community Development Authority to approve the residential development on the nine parcels conveyed to the Office of Hawaiian Affairs pursuant to Act 15, Session Laws of Hawai'i 2012. It Raises the building height limit and increases the maximum floor area ratio for residential development on three of the nine parcels. It exempts the residential developments on the nine parcels from the requirement to dedicate public facilities of land or facilities, or cash payments in lieu thereof, as a condition of development; the prohibition on sale or assignment of fee simple interest in land in the Kakaako Community Development District; and the prohibition on residential development in the Kakaako Makai area. It appropriates funds for repairs of certain structures located on the nine parcels and for compensation relating to the Office of Hawaiian Affairs' pro rata portion of income and proceeds from the public land trust.

The Kaka'ako Makai lands, conveyed to OHA by the State in 2012 and purportedly valued at \$200,000,000, have remained underutilized and undeveloped until this day. To fulfill the legislature's historic \$200,000,000 settlement with the Native Hawaiian community, lifting the restrictions on residential development on these parcels is essential. To continue the process of restoring self-determination to the lāhui we are calling on this committee to aid in the removal of any and all obstacles that would prohibit Native Hawaiians from determining what happens on Native Hawaiian land.

The bill, if enacted, will allow OHA to move forward on building an economic engine for itself to better support Native Hawaiians and all citizens of the state. The bill will provide billions of dollars in construction work, that will put local union ironworkers and all trade workers to work in construction jobs, many of them Native Hawaiians. Let OHA build a brighter future for Native Hawaiians and all Hawai'i, pass SB736.

## TESTIMONY

### Strong Opposition to SB736

Conference Room 229 & Videoconference  
State Capitol,  
415 South Beretania Street  
1: 05 PM, Wednesday, February 8, 2023

#### COMMITTEE ON WATER AND LAND

Senator Lorraine R. Inouye, Chair  
Senator Brandon J.C. Elefante, Vice Chair  
Stanley Chang, Angus L.K. McKelvey, Kurt Feyella

#### COMMITTEE ON HAWAIIAN AFFAIRS

Senator Maile S.L. Shimabukuro, Chair  
Senator Kurt Fevella, Vice Chair  
Les Ihara, Jr., Jarrett Keohokalole, Herbert M. "Tim" Richards, III.

Dear Chair Lorraine Inouye, Vice Chair Brandon Elefante and the Committee on Water and Land, Stanley Chang, Angus L.K. McKelvey, Kurt Feyella.

Dear Chair Maile Shimabukuro, Vice Chair Kurt Fevella and the Committee on Hawaiian Affairs, Les Ihara, Jr., Jarrett Keohokalole, Herbert M. "Tim" Richards, III.

Aloha,

I am Wayne Takamine and I have been recognized as the chairman and spokesman of the Kaka'ako Makai Community Planning Advisory Council (CPAC). During the 2006 legislative session, the laws prohibiting residential development in Kaka'ako Makai and the sales of state land in Kaka'ako were created. The legislature also approved H.C.R. 30 that required the HCDA to create a masterplan for Kaka'ako Makai by collaborating with a community working group. CPAC became that working group and created the Kaka'ako Makai Vision and Guiding Principles. In 2010, the Kaka'ako Makai Master Plan was approved and adopted by the HCDA.

From 2006 till today, the issues against residential development in Kaka'ako Makai have remained constant. Kaka'ako Makai remains one of the last oceanfront undeveloped State of Hawaii "Public Trust" lands that was assumed by the Office of Hawaiian Affairs (OHA) and is not ceded lands. It remains state Public Trust lands that are protected by the Public Trust Doctrine that recognizes the public right to many natural resources including "the air, running water, the sea and its shore." The public trust doctrine requires the sovereign, or state, to hold in trust designated resources for the benefit of the people. Traditionally, the public trust applied to commerce and fishing in navigable waters, but its uses were expanded in 1971 to include fish, wildlife, habitat and recreation.

Kaka'ako Makai is frequented by many oceans recreational park users including surfers, fishermen, divers, picnickers and several tour boats that are supported by tourism. The Children's Discovery Center was one of the two incinerators that burned trash and generated toxic ash that was high in lead, arsenic, mercury, asbestos and spread around the area as "fill" to build up the man-made land. In early Kaka'ako days, cattle were brought in and herded from barges into large open

containment pits and treated with DDT pesticide. The motorcade repair site leaked benzene from corroded underground petroleum tanks, electric transformers were discarded at various sites leaking PCB and carcinogenic chemicals were released from a pesticide mixing plant. These are some of the toxic materials cited in various environmental report including: "Kaka'ako Parking Garage 2007 Phase II Environmental Site Assessment" by the Army Corp of Engineering.

Kaka'ako Makai was once a wetland area that received stormwater run-off and underground submerged seawater. These subterranean streams that are affected by storm water volume and changing tides. Most of the toxins have leached into the soil after being undisturbed for decades. But if these grounds are disturbed by the construction of 200–400-foot condominiums, these toxins could be released/leached into nearby ocean and public recreational areas. Also, it is almost impossible to determine how these underground streams, coral, rocks and lava tubes will react to large cement foundations, pilings and development infrastructure that will disrupt decades old natural water movement. Right now, the toxins are capped by either 2 feet of soil covered by vegetation, 6 inches of gravel or 2 inches of asphalt. But heavy construction can release many of the toxins; especially when forming foundations for 200–400-foot towers that require excavation of the toxic soil and huge cements slabs and cement pilings for the large towers.

In Waikiki, Ala Moana, Kaka'ako Mauka and even in Ala Moana Park has had sinkholes, broken sidewalks, water mains, and sewer lines that appeared when large construction buildings were built. But in Kaka'ako Makai, a sinkhole would cause public exposure to hazardous waste as a result of large construction, or the repair of any broken infrastructure that would require digging into the previously undisturbed toxic "landmines."

The cost to remediate a toxic dump site that requires extensive excavation is likely to be very expensive. Public health water quality monitoring of surrounding waters (Kaka'ako Makai, Kewalo Basin, and Ala Moana Beach Park should be routinely monitored before, during and after construction for public safety. In addition, all the equipment used would need to be decontaminated and water used to wash the equipment would have to be contained and collected along with all the toxic waste and taken to a certified toxic waste disposal site. Since there is none on Oahu for this scale, the collected contaminated soil will likely have to be shipped to an approved location overseas that is licensed to accept it. Does it sound expensive...I think so!

People might wonder why there are large berms in Waterfront Park. Toxic waste has been placed under large impermeable membranes to keep the public safe. Structures are not even allowed in these areas. So, what would happen if there was a sinkhole? Would that close the park? Would I be denied access to my favorite park?

Safety has always been a primary concern for residential development in Kaka'ako Makai but is only one reason why the law prohibiting residential development in Kaka'ako Makai since 2006 has withstood several challenges over the last 17-years...

Sincerely,

Wayne Takamine  
Chair Kaka'ako Makai Community Planning Advisory Council

## THE VISION FOR KAKA'AKO MAKAI The Hawaiian Place of Ka'ākaukukui and Kukuluāe'ō

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



## Kamehameha Schools

Senate Committee on Water and Land  
Senate Committee on Hawaiian Affairs

Time: 1:05 p.m.

Date: February 8, 2023

Where: Conference Room 229

### TESTIMONY

By: Wai'ale'ale Sarsona  
Vice President, Hi'ialo Group

#### **RE: SB736, Relating to housing**

Aloha e nā Luna Ho'omalua Inouye lāua 'o Shimabukuro, nā Hope Luna Ho'omalua Elefante lāua 'o Fevella, a me nā Lālā o nā Kōmike.

The Office of Hawaiian Affairs (*OHA*) is critically important to the advancement of our Native Hawaiian families, culture, and *lāhui* and to the well-being of our State. For its success, *OHA* relies, in large part, on the State fulfilling its long-standing trust obligations to Native Hawaiians and continuing its ongoing public policy of recognizing and uplifting Native Hawaiian well-being, self-determination, self-governance, and sovereignty. SB736 addresses these obligations and aligns with this public policy.

While the particular issues of the prior settlement of ceded lands and the future development of *OHA*'s lands can be debated, the intention of SB736 is compelling and undeniable: enabling *OHA* with the means to better serve our Native Hawaiian families. We strongly support this good intention, and we encourage *OHA* and State leaders to come together to solve the underlying issues toward this end.

At Kamehameha Schools, we work to advance our Native Hawaiian people through education, and we are committed to stand alongside and support *OHA* and other Native Hawaiian organizations and State leaders in our collective efforts to empower Native Hawaiian voices and elevate the well-being of our *lāhui*.

Founded in 1887, Kamehameha Schools is an educational organization striving to restore our people through education and advance a thriving *Lāhui* where all Native Hawaiians are successful, grounded in traditional values, and leading in the local and global communities. We believe that community success is individual success, Hawaiian culture-based education leads to academic success and local leadership drives global leadership.

***Hānai i ke keiki; ola ka lāhui. (Nurture the child, and the lāhui thrives.)***



# RYAN KAWAILANI OZAWA

P.O. Box 892727

Mililani, HI 96789-8332

Main: (808) 520-4820

E-Mail: hawaii@hey.com



@hawaii A row of social media icons including Instagram, Twitter, YouTube, LinkedIn, Facebook, and others.

February 3, 2023

Aloha,

Senator Lorraine R. Inouye, Chair; Senator Brandon J.C. Elefante, Vice Chair; members of the Committee on Water and Land; Senator Maile S.L. Shimabukuro, Chair; Senator Kurt Fevella, Vice Chair; and members of the Committee on Hawaiian Affairs:

I am a part Hawaiian entrepreneur, journalist, and advocate of Hawaii's innovation sector. I am also a member of the Native Hawaiian Chamber of Commerce, the Council for Native Hawaiian Advancement, and the Chamber of Commerce Hawaii.

I am writing to express my **support** of SB736 relating to housing.

Nearly eight in ten O'ahu voters support or strongly support the Office Hawaiian Affairs (OHA) plan to restore and create a new community in Hakuone, 30 acres of land in Kaka'ako makai where native Hawaiians once lived, worked, and played.

The land was conveyed to OHA in 2012 in a settlement with the state over unpaid Public Land Trust funds. The state said the settlement was worth \$200 million, but that figure assumed that OHA would be able to include housing in its plan. Indeed, the negotiations that led to the settlement made clear that additional legislation would be brought forward to lift restrictions on residential development.

Those measures never materialized, leaving untenable strings attached to the historic deal.

Voters broadly believe that OHA should be able to use the land how it sees fit, including for housing: 64 percent of voters said they support repealing the housing restriction. I wholeheartedly agree.

The Hawaiian people are owed the right to create a community that matters to their people and their culture. And unlike the heavy development rising across the street for the past decade, we should

prioritize building for locals and Native Hawaiians rather than foreign and out-of-state investors.

Hakuone will improve the quality of life for locals and Native Hawaiians: a source of abundance and pride for our lāhui, and a place that embodies a Hawaiian national identity while defining and maintaining a Hawaiian sense of place for the families and people who live here. Hakuone will be a cultural gathering place, a kīpuka—an oasis—for the Hawaiian community in urban Honolulu.

Hawaii’s leaders and lawmakers have made significant strides in recent years to make up for past injustices and provide more robust resources and support for our indigenous peoples. Further, coming out of the pandemic, it is clear that the needs and dreams of our local people should be of paramount priority in planning for the future.

I urge you to pass SB736 and finally clear the way for OHA and its partners to build a special community gathering place that welcomes all people, from keiki to kupuna, and honors its historic sense of place, Hawaiian cultural values, and our unique island lifestyle for present and future generations.

Mahalo for your consideration.



Ryan Kawailani Ozawa

**SB-736**

Submitted on: 2/7/2023 12:30:26 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Audrey Lee	Testifying for Malama Moana	Oppose	Written Testimony Only

Comments:

On behalf of Malama Moana, I am strongly opposing SB736. The 2006 bill it sets out to repeal was put into motion to protect the waterfront land from development in the Kaka'ako Makai area. Without that bill's protection, waterfront land is prey to future developer projects. In addition, the current 200' heights for buildings is being allowed to 400' heights and the current FAR of 2.5 to 6.0 which all create a very heavy burden on the land itself. OHA says there is no plan until SB736 is passed. How can you dismantle all that protection for no plan which means the details have not even been figured out or laid out? Perhaps, the third point of this bill is the reason there is no "plan." OHA wants the right to convey the Kaka'ako Makai land to a third party should they choose to after the bill's passing. WHAT? Then, this whole SB736 is just some developer's dream of getting waterfront with the rights to build 40+ stories at whatever price they can get away with by buying from OHA. And, oh, with a law in place where MORE development can be done elsewhere now that a wedge has been driven into the dam's wall. No, this bill is not just about OHA's right to develop on the waterfront or even the right to sell to a 3rd party. It is about the dismantling of any laws made to protect our land and ocean from the race for the almighty dollar.

**PLEASE OPPOSE SB736 FOR THE FUTURE OF THE PEOPLE AND LAND OF HAWAII! THANK YOU!**



# Environmental Caucus of The Democratic Party of Hawai'i

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March 11, 2022

To: The Honorable Lorraine R. Inouye, Chair  
The Honorable Brandon J.C. Elefante, Vice Chair  
Members of the Senate Committee on Water and Land

The Honorable Maile S.L. Shimabukuro, Chair  
The Honorable Kurt Fevella, Vice Chair  
Members of the Senate Committee on Hawaiian Affairs

Re: **SB 736– RELATING TO HOUSING (OHA’s Kaka‘ako Makai Properties)**  
Hearing: Wednesday, February 8, 1:05 p.m.,  
Conference Room 229 and Via Videoconference

## **Position: Comments**

Aloha, Chairs Inouye and Shimabukuro, Vice Chairs Elefante and Fevella, and Members of the Senate Committee on Water and Land and the Senate Committee on Hawaiian Affairs

The Environmental Caucus of the Democratic Party of Hawai'i, which has an enrolled membership of more than 7,000 Hawai'i Democrats, has not taken a formal and specific position on the development of the Kaka‘ako Makai properties that are the subject of SB 736. The Office of Hawaiian Affairs (OHA) seeks by this legislation to amend Hawaii State statutory restrictions on building on certain of the parcels of land in this area that OHA acquired by Act 15 of the 2012 Legislature in settlement of certain Native Hawaiian claims against the State.

Although the Environmental Caucus has not specifically addressed this bill, the Caucus regularly OPPOSES legislation that would override health, safety, and land-use laws and thereby promote development that, objectively speaking, is inappropriate. If this were not OHA land, I am confident that the Caucus would swiftly take a stand against this bill, which seeks, among other things, to increase the building height limit from 200 feet to 400 feet, to increase the floor-area ratio, if the plan or proposal for development includes “an assessment and proposed mitigation plan for any possible noise, odor, and other aircraft-related nuisances that may affect the development.”

Much of the history of OHA’s negotiations with the State in 2012, and OHA’s subsequent efforts later in that decade to lift these various development restrictions is summarized in Section 1 of the bill, comprising 20 pages. I believe the Caucus – and I individually – largely agree with that statement of the history, and I believe that the majority of the Caucus agrees that OHA was seriously short-changed by the way the situation has evolved



SB 736

February 7, 2023

Page 2

since 2012. Accordingly, I am confident that the Caucus wants to see a resolution of this massive set of problems resolved in a manner that is both fair to the Hawaiian community and that rationally addresses the environmental issues on the Kaka'ako Makai properties that OHA received through Act 15 of 2012.

These Kaka'ako Makai properties have serious environmental burdens that cannot be buried by legislation. A large part of these properties are a "brownfield" –they were built a century ago by filling in and raising the levels of shoreline property with a toxic landfill containing lead, arsenic, asbestos, PCBs, and other dangerous materials. We expect that, even if the Legislature were to waive State environmental protection laws as to these parcels, any construction would have to pass environmental reviews by the U.S. Environmental Protection Agency (EPA), and perhaps other federal agencies, before it would be lawful under federal laws. And we do not know whether the EPA or another federal agency might require physical remediation of the sites that OHA might want to build on. Those physical remediation efforts, which are likely required under the RCRA- the federal Resource Conservation and Recovery Act, 42 USC §§6901 *et seq.*, - would likely cost tens of millions of dollars to remediate.

We are aware that OHA is tired of waiting for resolution of these issues, just as the many thousands of applicants for homesteads on Department of Hawaiian Homestead Lands are tired of waiting. It appears, however, that the faster and ultimately much better solution is for the State to take back the Kaka'ako Makai lands and provides other land – or cash – in exchange for those lands. Better lands that are not burdened with potentially insurmountable environmental issues. That is indeed a hard bullet to bite, but we non-Hawaiians owe it to our Hawaiian community to do this job hand-in-hand with them, doing it right and in utmost good faith.

Mahalo for the opportunity to testify.

*Alan B. Burdick*

Co-Chair, Environmental Caucus of the  
Democratic Party of Hawai'i

[Burdick808@gmail.com](mailto:Burdick808@gmail.com)

**SB-736**

Submitted on: 2/7/2023 11:47:38 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Danielle Ululani Beirne	Testifying for Ko'olauloa HCC & Friends of Kahana	Support	Written Testimony Only

Comments:

Senators Michelle Kidani, Henry Aquino, Kurt Fevella, Lorraine Inouye, Dru Mamo Kanuha, Herbert Richards, Maile Shimabukuro and Jarrett Keohokalole:

February 7th, 2023

Aloha Senators and Committee Members of The Water and Land & Hawaiian Affairs Committee:

I am Danielle Ululani Beirne and a resident of the Ahupua'a O Kahana, moku O Ko'olauloa. I am submitting testimony on behalf of Ko'olauloa Hawaiian Civic Club, Friends of Kahana and Native Hawaiian Protocol and Consultant Services, Inc. in support of S.B.736. and H.B. 270. It's time that the promised value of it's land in Kaka'ako Makai and the vision of Hakuone move forward! Holomua! This legislation should be addressed as "Important" and move out of this Committee as soon as possible. This nine parcels conveyed to the Office of Hawaiian Affairs pursuant to Act 15, Session Laws of Hawai'i 2012, offered this settlement and I believe should be the legislative body to honor this legislation for 2023.

Kaka'ako is an old Hawaiian Community and perpetuated many native hawaiian cultural activities. This is part of the Vision for Hakuone, that many activities could in fact be realized once more. Many of the older population of Kaka'ako remember the good "old days" and how our people lived close to the waterfront areas and surfed and swam and fished and planted foods for sustainability, our people thrived on this land base.

There are so many activities that set a precedence in Hawai'i before Hawai'i's own people. Our native Hawaiians voices should always be heard, our lahui and our ancestors all are important to deciding what Hawai'i should be for the years ahead.

Families and their 'ohana that once occupied Kaka'ako are now in the Maunalaha Valley moku. These native Hawaiians practiced their Hawaiian cultures through lei making, na mea haku, limu gathering, kukui ina mona and many more native Hawaiian activities. These are some of the activities that Hakuone will provide to be perpetuated and shared.

Our Building and Planning Departments need to service the Office of Hawaiian Affairs with due diligence.. Many illegal "Monster" homes are being built to be rented out right off of Makiki Round Top and many other areas. How is it that these deals get passed and Kaka'ako Makai did not? Again, it's time for Hakuone to become a reality and an "Affordable" offer for native Hawaiians put in place. Using "Land" to pay a debt for native Hawaiian beneficiaries should be (Exempt) and clear from all building permits and this body representing the State of Hawai'i should honor their promises. I pray that this body will totally support S.B. 736 and H.B.270.

Again, mahalo for any and all consideration in the passage of S.B. 736 and H.B. 270.

Owau me ka ha'aha'a

Danielle Ululani Beirne

Past President of Ko'olauloa Hawaiian Civic Club

Past President Friends of Kahana

Past Consultant, Native Hawaiian Protocol & Consultant Services, Inc.

February 7th, 2023

Aloha Senators and Committee Members of The Water and Land & Hawaiian Affairs Committee:

I am Danielle Ululani Beirne and a resident of the Ahupua'a O Kahana, moku O Ko'olauloa. I am submitting testimony on behalf of Ko'olauloa Hawaiian Civic Club, Friends of Kahana and Native Hawaiian Protocol and Consultant Services, Inc. in support of S.B.736. and H.B. 270. It's time that the promised value of it's land in Kaka'ako Makai and the vision of Hakuone move forward! Holomua! This legislation should be addressed as "Important" and move out of this Committee as soon as possible. This nine parcels conveyed to the Office of Hawaiian Affairs pursuant to Act 15, Session Laws of Hawai'i 2012, offered this settlement and I believe should be the legislative body to honor this legislation for 2023.

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Again, mahalo for any and all consideration in the passage of S.B. 736 and H.B. 270.

Owau me ka ha'aha'a

Danielle Ululani Beirne

Past President of Ko'olauloa Hawaiian Civic Club

Past President Friends of Kahana

Past Consultant, Native Hawaiian Protocol & Consultant Services, Inc.



SB 736 HCDA, OHA, Residential Development, Kakaako Makai, Appropriation

Thank you for the opportunity to submit testimony in opposition of SB 736. Act 15 was the outcome of a reasonable effort to preserve the Kakaako Makai area. That said, this bill requesting an exception of the 9 parcels to the current residential ban defeats the intent of the Act to preserve this shoreline for the public. Furthermore, the waiver to raise the height limit for residential development is not an absolute answer to providing affordable housing for the Hawaiian constituents, but rather, an opportunity for others who do not share the commitment to the mission and vision for Kakaako Makai.

The appropriations utilizing taxpayers' monies should be more carefully studied, monies the public will benefit can be a negotiable discussion. Thank you.



## Hawaii's Thousand Friends

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

February 8, 2023

The Honorable Lorraine R. Inouye, Chair  
Senate Committee on Water and Land

And

The Honorable Maile S.L. Shimabukuro, Chair  
Senate Committee on Hawaiian Affairs  
415 South Beretania Street  
Honolulu, HI 96813

Hawaii's Thousand Friends is a nonprofit organization whose focus is on land use planning, zoning, and environmental issues. We are submitting this testimony in opposition to SB 736.

There are many problems with Senate Bill 736. The bill proposes to eliminate the current ban on housing on all Kakaako Makai parcels. In addition, this legislation would exempt all proposed housing developments from HRS Chapter 91 Hawaii's sunshine law, which *clearly states that discussions, deliberations, decisions, and actions of governmental agencies -- shall be conducted as openly as possible.*

In 2012 the legislature passed Act 15 which conveyed 9 parcels of land in Kakaako Makai to the Office of Hawaiian Affairs (OHA). OHA accepted the properties "as is, where is," which means that the properties were accepted in their existing condition as of March 1, 2012.

There are both environmental and societal reasons to oppose this bill, some of them we have enumerated below:

- Kakaako Makai is highly contaminated
- Between 1913 and 1927 a seawall was constructed, using fill which included municipal ash, unburned refuse, construction and household trash, automobile batteries and unknown refuse. This sort of fill could be unstable and cause harm to people living on top of it.
- EPA identified Kakaako Makai as a "brownfield," which is an area where development may be complicated by the presence of a hazardous substance, pollutant, or contaminant.
- In 1997 the State Department of Health conducted a study of brownfields and found the area contained toxic ash from 2 waste incinerators that spewed high levels of lead, zinc, dioxins, mercury, silver, copper, asbestos, and arsenic.

- These toxins were spread as “fill” material, contaminating the surface and groundwater.
- Leaking underground petroleum storage tanks spread benzene, DDT, and PCBs from discarded transformers in various locations.
- Disturbance of the ground required for building foundations in fill material and other infrastructure could emit hazardous waste, affecting coastal ecosystems and exposing humans to possible exposure.
- Changes to Kaka`ako Makai could be detrimental to both human and marine life as well as to the natural environment.
- Kewalo Basin and Mamala Bay support coral reefs, local bird populations and provide public recreational opportunities to locals and visitors which are lacking significantly in and near downtown Honolulu.

We sincerely hope these two committees will hold SB 736. This bill should not be passed.

Donna Wong. Executive Director

**SB-736**

Submitted on: 2/7/2023 11:04:32 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Galen Fox	Testifying for Kakaako United	Oppose	Written Testimony Only

Comments:

I oppose SB 736 because it puts the cart before the horse. Kakaako Makai is an ex-City waste dump. It's an environmental hazard. It's no place to build luxury condos. The state land is the last open space in the proposed "Lei of Green" that is supposed to run from Diamond Head to Aloha Tower. As an ex-dump covered over, it is suitable for its current low-impact use as park land. But before taking this piece of ocean front land -- subject to sea-level rise and king tides -- and selling it at a very high price to a developer to become 400 feet-tall luxury condos with density 3x permitted for the area, OHA must 1) satisfy the buyer the ex-waste dump is ok for tall high rises, but even before that, 2) satisfy the State via an EIS that the land is ok for its proposed use. Do the EIS first, as required by law. Horse before cart!



**Testimony before the Senate Committee on Water and Land and Senate Committee on Hawaiian Affairs on Wednesday, February 8, 2023, 1:05 pm**

**Re: Senate Bill 736 Relating to Housing**

Senate Chairs Lorraine Inouye and Maile Shimabukuro, Vice Chairs Brandon Elefante and Kurt Favella and Senate Committee Members:

The Collection Association of Unit Owners (AOUO) **strongly opposes** Senate Bill 736 which allows residential development and increases the building height and density of parcels owned by the Office of Hawaiian Affairs. The Collection AOUO consists of 454 residential and 4 commercial units located at 600 Ala Moana Boulevard in Kakaako, Oahu.

The prohibition of residential and high-density development in the Kakaako Makai Area is a longstanding exclusion which should remain in place for the following reasons:

1. The HCDA-endorsed Kakaako Makai Conceptual Plan (2011) provides that Kakaako Makai should truly be Honolulu's community waterfront destination, with revitalized Waterfront, Makai Gateway, and Kewalo Basin Parks, community and cultural centers, vital public markets and civic resources and their public spaces (Page 73). A high concentration of residential development limits the diversity of waterfront use and creates constituencies invested in preventing 24-hour activity from flourishing. Community stakeholders commented that **Housing in Kakaako should remain prohibited.** (Page 81, emphasis added).
2. Traffic on Ala Moana Boulevard is already at gridlock F Level of Service conditions during peak traffic periods with no alternatives for increasing roadway capacity.
3. There are legitimate aircraft hazard concerns with any higher Kakaako Makai area developments. Many aircraft already overfly our condo and the Kakaako Mauka Area on approach during Kona wind conditions. The DOT and FAA have previously expressed and will undoubtedly have serious concerns with any further height increases in the Makai Area.
4. The Legislature should **not** be involved in land zoning -- enacting use and parcel-specific zoning allowances in contradiction to the Kakaako Makai Area Plan and Rules administered by the Hawaii Community Development Authority, which regulates land uses and imposes a height limit of 200 feet and a density of 3.0 floor area ratio. Such legislative action sets a dangerous precedent for HCDA as well as the counties.

Thank you for this opportunity to testify.

Rodney Funakoshi, President  
The Collection AOUO



**Ali'i Pauahi Hawaiian Civic Club**  
**Perpetuating Hawaiian culture and values since 1973**  
**99-045 Nalopaka Place**  
**`Aiea, Hawai'i 96701**

February 7, 2023

Senator Lorraine R. Inouye, Chair  
Senate Committee on Water and Land  
Senator Maile S.L. Shimabukuro, Chair  
Senate Committee on Hawaiian Affairs  
Hawaii State Capitol  
415 South Beretania Street  
Conference Room 229  
Honolulu, Hawai'i 96813

Re: Testimony in Support of SB 736, Relating to Housing, February 8, 1:05 p.m.

Aloha Chair Inouye, Chair Shimabukuro, Vice Chair Elefante, and Vice Chair  
Vice Chair Fevella,

Ali'i Pauahi Hawaiian Civic Club is grateful and pleased to offer our strong support for SB 736, Relating to Housing, which is before your committees today. Mahalo nui loa for bringing this important matter to the forefront.

As a former member of the Hawai'i State Legislature's Housing and Homeless Task Force, where we advocated for years for increased funding for affordable housing development, especially, for our native Hawaiian people, we have a special and deep interest in this measure.

SB 736 will correct the unforeseen barriers to success that the Office of Hawaiian Affairs faces as it endeavors to fulfill its, and, truly, the State's, duty to care for the needs of the Native Hawaiian people. We strongly support its passage.

SB736, and its counterpart HB270, will help OHA realize the promised potential of its land in Kaka`ako Makai and manifest the vision of Hakuone to move forward: a community geared toward local residents, infused with Hawaiian history, culture and values.

Through your vision, a people whose cultural values and practices are the heart of our State's major economic industry will create a space for the light of grace and Aloha to shine. Amidst a sea of luxury developments built by non-Hawai`i-based corporations, for offshore investors to enrich their individual portfolios, visitors will find the authentic practice of Aloha Kekahi I Kekahi, loving and caring for one another.

A light of hope is flickering for our native Hawaiian people in Kaka`ako, and you hold the key to its brilliance, through this great work.

We thank you, in advance, for your aloha, and wish you heartfelt blessings, in return, as you contemplate the pono path forward.

Mahalo nui loa,

Kehaulani Lum  
Pelekikena



Testimony of  
**KAINOA KAUMEHEIWA-REGO**  
Chair, Government Relations Committee

before the  
**SENATE COMMITTEE ON WATER & LAND**  
and the  
**SENATE COMMITTEE ON HAWAIIAN AFFAIRS**

Wednesday, February 8, 2023, 1:05 P.M.  
Hawai'i State Capitol, Room 229

in consideration of  
**SB 736**  
**RELATING TO HOUSING**

Aloha e Chair Inouye, Chair Shimabukuro, and Committee Members:

My name is Kainoa Kaumeheiwā-Rego, and I am testifying on behalf of Ke One O Kākuhihewa (O'ahu Council of the Association of Hawaiian Civic Clubs). Our council represents all 26 Hawaiian Civic Clubs on the island of O'ahu.

**Ke One O Kākuhihewa strongly supports SB736** and offers the following comments:

Nearly 80% of O'ahu voters support the Office of Hawaiian Affairs (OHA) proposal to restore and establish a new community in Hakuone, a 30-acre land in Kaka'ako Makai.

OHA received the land in 2012 as part of a settlement with the state over unpaid Public Land Trust funds. The state valued the settlement at \$200 million, but *it was contingent on OHA being able to include housing in its plans*, which was not possible due to housing restrictions that were not lifted.

A majority of voters (64%) believe OHA should be able to use the land for housing if it chooses and supports repealing the housing restriction.

Our Hawaiian people should be allowed to build a community representing our culture and history. Hakuone will improve the quality of life for locals and Native Hawaiians and be a cultural gathering place for the Hawaiian community in urban Honolulu.

As Hawaii's leaders work to correct past injustices, it is essential to prioritize the needs and dreams of the local people, especially in the aftermath of the pandemic.

Our council strongly supports OHA's efforts to develop their lands in Kaka'ako Makai, and we urge this committee to pass SB736.





Coalition to Mitigate the Impacts of Sea Level Rise  
[www.CMISLR.org](http://www.CMISLR.org)  
Tel: (808) 200-3414  
Email: [info@CMISLR.org](mailto:info@CMISLR.org)

February 6, 2023

Re: SB736 Re: SB736 Hawai'i Community Development Authority; Office of Hawaiian Affairs; Residential Development; Kakaako Makai; Appropriations (\$).

Allows the Hawai'i Community Development Authority to approve the residential development on the nine parcels conveyed to the Office of Hawaiian Affairs pursuant to Act 15, Session Laws of Hawai'i 2012. Raises the building height limit and increases the maximum floor area ratio for residential development on three of the nine parcels

The Coalition to Mitigate the Impacts of Sea Level Rise (CMISLR) strongly opposes SB736 as it proposes to extend residential development oceanside. It totally ignores the fact that the 1.5 degree C temperature rise “tipping point,” at which catastrophic effects of Climate Change and Sea Level Rise become unstoppable, is now predicted to occur already within the next ten years and may march unstoppable towards 2.5 degree C. While NOAA had last year predicted less than one foot of SLR by 2050 and much less than 3 foot by 2100, we must be prepared for 3 foot SLR much before 2100 along with Climate Change and food insecurity that will affect not only our daily life but also the tourist industry and destabilize governments around the world.

When CMISLR testified in September 2022 in support of the County of Honolulu's popular Bill 041 which would have set restrictions on development along Oahu's coastal zone, it was suddenly shelved without explanation. If enacted into law, it would have most likely already raised great concerns about any development oceanside of Ala Moana Blvd. Soon thereafter we received word through the grapevine that the City would continue, even expand, development in the southerly coastal zone inclusive of residential high-rise and tourism-benefitting development while revitalizing the North Shore for the tourist industry. Sure enough, high-rise development after development was floated by the State, and the County fell in step to approve it. Proposals were then also floated to buy many of the SLR-endangered north shore ocean-side properties (along with their old, polluting cesspools) at a cost of over \$100 million.

What is Office of Hawaiian Affairs (OHA)'s justification and Hawaii Community Development Authority (HCDA)'s political motivation to follow in step? CMISLR has previously jumped “through the hoops” of testifying at HCDA against the many high-rises being built by Howard Hughes Corporation in the 4-foot sea level rise zone mauka of Ala Moana Blvd. To no avail, as all this high-rise development is unstoppable as it was “vested” and provides an economic boost for Hawaii and employment for the construction industry while turning the area into an enclave for the rich and upending the community's plan for a mixed-income community inclusive of affordable housing. What is OHA and HCDA's justification now to continue this? As clearly stated by OHA previously: “We want the same as Howard Hughes across the street?” But it is not the same. The impacts are even much worse as outlined below.

Specifically, what does OHA, along with HCDA, want to accomplish with SB736 under the slogan of “highest and best use” (economically) for the land? Along Honolulu's last public shoreline in Kaka'ako makai, so dedicatedly protected over the years by its concerned citizens, OHA wants to overturn a long-standing 18-year prohibition against residential development. It wants to build residential on all 9 of its parcels, inclusive of 400-foot residential towers (just like Howard Hughes) when the zoning maximum allowable for commercial towers is 200 feet. The present maximum allowable 2.5 floor area ratio (FAR) would also increase to 6.0, more heavily burdening the land and the neighborhood with much denser urban construction. Never mind the already bumper-to-bumper traffic during rush hours.

Also never mind that the area was largely drained and consists mostly of toxic landfills with an unstable subsurface often heavily polluted with floating oil, diesel fuel, lead, arsenic, asbestos, sewage from cesspools, septic tanks and leaky sewage pipes, and that any development proposal should/must therefore first clear extensive environmental reviews. But this is Hawaii and under the banner of the “highest and best” use, corporate profits and local politics, as indicated in SB736, can apparently override any concerns about truly caring for the aina and future generations.

The United Nations (U.N.) is desperately calling for an immediate rapid transformation of societies along with the reduction of its large carbon footprints to at least limit the worst impacts of the looming climate crisis and its runaway environmental disaster inclusive of halting the destruction of biodiversity. However, this is not happening in Hawaii and anywhere else. Are we going to wake up to our responsibilities as world citizens or will we continue to walk with Alice in a Wonderland where Climate Change and Global Warming does not really exist?

Let us all work together to still provide a future for our keikis that can only be achieved with present sacrifices.

Klaus Radtke, Ph.D.  
Environmental Scientist

**SB-736**

Submitted on: 2/6/2023 1:15:47 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andrew Rosen	Testifying for Native Hawaiian Chamber of Commerce	Support	Written Testimony Only

Comments:

By The NHCC Board of Directors:

The Native Hawaiian Chamber of Commerce supports the right of OHA to develop lands it owns as it sees fit in order to serve Kanaka ‘Ōiwi. We support Hakuone, OHA’s development of the land it owns in Kaka‘ako Makai.

The Chamber’s mission includes providing access to and opportunities for Kanaka-owned businesses to grow and thrive in Hawai‘i. Hakuone will contribute to this effort in major ways.

The State is required, by law, to pay OHA 20% of the total revenue made from ceded lands. In 2012, the State gave OHA 30 acres of land in Kaka'ako Makai in lieu of the more than \$200 million owed to OHA. The value, presented by the State, included residential development.

This shows the State was willing to reverse its restrictions in the area. This was a “take it or leave it” deal because the State was broke. The pressure to accept was further intensified by the State’s history of not paying what it owes to Kanaka. This deal only makes good on the State’s “payment,” if OHA is allowed to develop these lands to its highest and best use – that includes residential.

The Chamber sees the ability for OHA to develop it’s land in Kaka‘ako Makai as just and fair. Look across the street at the many residential and commercial developments that exist and are being planned only 200 feet mauka of OHA’s lands.

Why is it that all of these projects are allowed, but when it comes to Kanaka creating a space where our culture, our presence, and our economic wellbeing is front and center among others capitalizing on our people and culture that it’s a problem? Kanaka and Kanaka-owned businesses have the right to re-exert ourselves in an area our people thrived in for generations.

There is a total of 221 acres of land in Kaka‘ako Makai. OHA owns 30 acres, only 14% of that. The City & County owns 47 acres designated for parks and the entire shoreline in Kaka‘ako Makai – all public lands.

The Hakuone Master Plan is built around a Hawaiian Cultural Center where cultural practices, education, the arts, and entrepreneurship are the focal point for the community. Hakuone returns a community stronghold in urban Honolulu to Kanaka.

The mission of the Native Hawaiian Chamber of Commerce is to mālama Native Hawaiians in business and commerce through leadership, relationships and connections to economic resources and opportunities.

Sincerely and with Aloha,

Andrew Rosen

Executive Director

**SB-736**

Submitted on: 2/4/2023 11:14:06 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John & Rita Shockley	Testifying for FREE ACCESS COALITION	Oppose	Written Testimony Only

Comments:

Aloha!

Once again OHA is trying to get the Legislature to approve exemption to the housing and building limit on property makai of Ala Moana Blvd. This bad idea needs to be stopped. The ground they plan to build on is filled with waste ground fill. The sewage infrastructure is not there for the massive building they are planning. The new occupants of the hi-rises will NOT be Hawaiians or even Local People but foreign millionaires.

The aina needs to be preserved as the last Honolulu oceanside property. OHA would help their people by trading the Kaka'ako Makai properties for land appropriate for Hawaiian low cost housing in an area not critical to preserving Honolulu's last oceanside area.

Granted the land they seek to alter is "valuable" but is only valuable to OHA management, not to the people they purport to serve.

Mahalo for your time.

**SB-736**

Submitted on: 2/6/2023 3:35:39 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lu Ann Mahiki Lankford-Faborito	Testifying for Makaha Hawaiian, Civic, Club	Support	Written Testimony Only

Comments:

our Makaha, Hawaiian, Civic Club is in strong support of this measure as a way for the office of Hawaiian affairs to provide affordable housing for our native Hawaiian community through this vehicle we ask or legislatures to please support this and help us get more of our native Hawaiians in housing

**SB-736**

Submitted on: 2/7/2023 6:16:24 PM

Testimony for WTL on 2/8/2023 1:05:00 PM



Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Testifying for HULI PAC	Oppose	Written Testimony Only

Comments:

Aloha, and thank you for your time,  
I OPPOSE [SB763](#) to delete all references to the legislative body in HRS §201H-38 and replace it with the word county. A legislative body is a decision-making County Council or legislative body.

This change means that each county's planning office, instead of the County Council, will review and approve 201H-38 applications without any public due process. There will be no

- public hearings before county councils
- opportunities to submit testimony
- opportunities to make comments or ask questions

It does not allow us to stop lousy development initiatives and ensure we align with our Hawai'i State Constitution protecting the Native Hawaiian Traditions and Customary Rights. Under Hawai'i law, the State and its agencies are obligated to preserve and protect the exercise of traditional and customary Native Hawaiian rights. It also grossly lifts an extensive list of permits that developers must go through that funds a process to ensure our land is being utilized responsibly. Getting rid of checks and balances is great for extractive developers and bad for affordable housing and land degradation for cultural and natural resources.

I am asking you to OPPOSE SB763 today.

Mahalo for your time,

Maki Morinoue  
96725



**LATE**

TESTIMONY OF THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

To the Senate Committees on Water and Land & Hawaiian Affairs

On SB 736 - RELATING TO HOUSING

Wednesday, February 8, 2023

1:05 pm, State Capitol, Conference Room 229

Aloha Chair Inouye, Vice-Chair Elefante, Chair Shimabukuro, Vice-Chair Fevella and members of the Senate Committees on Water and Land and Hawaiian Affairs:

The Association of Hawaiian Civic Clubs **SUPPORTS** the intent of SB736. This bill will help the State better fulfill its trust responsibilities to the Native Hawaiian community.

The Association has a long-standing track record of support for this matter. At its 53rd annual convention, the Association passed resolution 2012-8, which reaffirms its support of the Native Hawaiian trusts, including the Office of Hawaiian Affairs (OHA). At the 57th annual convention of the Association, resolution 2016-1 was passed which calls for a more equitable annual allocation of Public Land Trust revenue to OHA for its pro rata share and for the State to provide funds to address the years of underpayment.

The Native Hawaiian community has not had access to its fair share of trust resources for decades, but this bill helps to partially remedy this.

Thus, the Association respectfully urges the Committee to **PASS** SB736 .

Founded by Prince Kūhiō in 1918, the Hawaiian Civic Club movement is the oldest Native Hawaiian community-based advocacy movement. The Association of Hawaiian Civic Clubs is a not-for-profit organization that is a confederation of 61 individual and autonomous Hawaiian Civic Clubs located across Hawai‘i and across the continental United States. With more than 3,000 members, we advocate for improved welfare of Native Hawaiians in culture, health, economic development, and education.

Mahalo for your consideration of our testimony.



**SB-736**

Submitted on: 2/6/2023 5:49:46 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Makana Hicks	Individual	Support	In Person

Comments:

It's long past time that OHA should be allowed to access the value of these lands. HHFDC plans have directed tens of millions of dollars in profits to mainland outfits like Howard Hughes Corp, yet OHA has been hamstrung. Why do we trust the malihini with their luxury condos to develop and profit yet don't allow OHA to build affordable housing and use the benefits of what they build to advance local families and local people? It is only just that OHA be allowed to build on these lands and I urge the committee to pass this bill.

**SB-736**

Submitted on: 2/7/2023 10:38:06 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ann Chung	Individual	Support	In Person

Comments:

Aloha Chairs Inouye, Shimabukuro, and members of the Committees:

I strongly support SB736 and urge you to pass this bill.

I urge you to right the wrong done in 2012 and lift the residential ban in Kaka’ako Makai. OHA’s Hakuone comprises only 30 acres out of 221 in Kaka’ako Makai and the vast majority of the land will remain park space.

Hakuone will:

- Include a Native Hawaiian Cultural Center, shops featuring native Hawaiian and local makers and creators, local amenities like farmers markets and day care for keiki and kupuna, a shoreline promenade, 10 acres park space, and parking.
- Be a welcoming kīpuka for all of Hawaii to enjoy, while celebrating and perpetuating Native Hawaiian culture and values, including sustainable agriculture, fishing, surfing, hula, kanikapila, and more.
- Serve as a sustainable economic engine that supports OHA’s work on behalf of native Hawaiians across the entire state.

Hakuone will NOT build condos on all nine parcels --OHA seeks residential development on three mauka parcels closest to Ala Moana Blvd.

Hakuone will NOT prohibit or unduly restrict access to the shoreline --OHA’s plan contains 11 access ways to the shoreline (more than currently exists) and a “Lei of the Land Promenade” connecting Waikiki to Aloha Tower.

Hakuone will NOT subvert or violate environmental protection laws --Cleanup is part of the plan and they will leave the land better than they found it.

Mahalo for this opportunity to testify.

To: Honorable Lorraine R. Inouye, Chair; WTL and  
Honorable Brandon J.C. Elefante, Vice Chair; WTL  
Honorable Maile S.L. Shimabukuro, Chair; HWN and  
Honorable Kurt Fevella, Vice Chair, HWN;

From: Lorraine Minatoishi, Ph.D., AIA

Hearing: Committee on Water and Land and Committee on Hawaiian Affairs,  
Wednesday, 02/08/2023 1:05 P.M. in State Capitol Conference Room 229 and  
Video Conference

Subject: **OPPOSITION to SB736**, Relating to Housing

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Dear Chairs Inouye and Shimabukuro and Vice Chairs Elefante and Fevella,

I am an architect licensed in Hawaii who cares about Housing and Land Development. I am writing in opposition of Senate Bill 736, and I would like to recommend modifications to the language of this bill.

I am opposed to adding a new section to SECTION 2. Chapter 206E, Hawaii Revised Statutes. Providing no control over the height limit; floor area ratio; disclosures; nuisance mitigation for nine parcels within the Kakaako region is not a viable decision. Zoning rules along Ala Moana Boulevard were developed to control density and to allow view planes to the ocean and park area. Recently, height regulations have been ignored and variances given for the benefit of low-income or affordable housing. Unfortunately, the lower-end spectrum of affordability cannot be reached with this archetype.

As an architect, I know that high-rise tower construction is the highest cost per SF than other residential typologies. A 10-story tower or a 5-story walk-up is much more economical to construct, and large parking structures are also extremely expensive to build ranging from \$35,000-\$45,000 a stall. Thus, to give the promise of low-income housing in a high-rise tower is a farce. I am not opposed to residential use on the sites; however, I am opposed to 400' towers along our oceanfront lots. The height limit should be set at 100'.

Sincerely,



Lorraine Minatoishi, Ph.D., AIA

**SB-736**

Submitted on: 2/7/2023 1:27:34 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kapua Keliikoa-Kamai	Individual	Support	In Person

Comments:

Aloha kakou,

I strongly support SB 736 RELATING TO HOUSING. Allows the Hawaii Community Development Authority to approve the residential development on the nine parcels conveyed to the Office of Hawaiian Affairs pursuant to Act 15, Session Laws of Hawaii 2012. Raises the building height limit and increases the maximum floor area ratio for residential development on three of the nine parcels. Exempts the residential developments on the nine parcels from the requirement to dedicate public facilities of land or facilities, or cash payments in lieu thereof, as a condition of development; the prohibition on sale or assignment of fee simple interest in land in the Kakaako Community Development District; and the prohibition on residential development in the Kakaako Makai area. Appropriates funds for repairs of certain structures located on the nine parcels and for compensation relating to the Office of Hawaiian Affairs' pro rata portion of income and proceeds from the public land trust.

My testimony will be provided at the hearing. Mahalo.

Kapua

1288 Kapiolani Blvd, Apt 1905  
Honolulu, Hawaii 96814

February 7, 2023

Senator Lorraine R. Inouye, Chair  
Senator Brandon J.C. Elefante, Vice Chair  
Members of the Committee on Water and Land



Senator Maile S. L. Shimabukuro, Chair  
Senator Kurt Fevella, Vice Chair  
Members of the Committee on Hawaiian Affairs

Subject: Testimony in Support of SB736, Hawaii Community Development Authority, Office of Hawaiian Affairs; Residential Development; Kaka'ako Makai; Appropriation

Aloha, Chair Inouye and Chair Shimabukuro and members of the Committee on Water and Land; and members of the Committee on Hawaiian Affairs

As a resident of Kaka'ako and as a Native Hawaiian, I urge you to pass out SB 736, Hawaii Community Development Authority, [Office of Hawaiian Affairs; Residential Development; Kakaako Makai; Appropriation](#), to enable the Office of Hawaiian Affairs to pursue their plans for development of their nine parcels of land in Kaka'ako. Legislative intent of SB2783, A Bill for An Act Relating to the Public Land Trusts, that was enacted into law as Act 015 in 2017, clearly supports the request of the OHA in the form of the bill before you today as evidenced by the following committee reports extracts:

- The Senate Committee on Judiciary Report, extract as follows: “The property identified in this measure is virtually contiguous, suited for master planning, and located in an area of Honolulu that is already experiencing significant redevelopment. Your Committees recognize the value of these properties and **believe that property values could be enhanced by certain entitlements that, while not specifically provided for in this measure, could be obtained at a future date.**” “The lands identified in this measure will provide a revenue stream to fund the Office of Hawaiian Affairs' services to its beneficiaries, while creating jobs and funding valuable programs in every corner of the State.”
- The committees on Hawaiian Affairs, and Water, Land and Housing report on SB2783, extract as follows, “The property identified in this measure is virtually contiguous, suited for master planning, and located in an area of Honolulu that is already experiencing significant redevelopment. **Your Committees recognize the value of these attributes and believe that property values could be enhanced by certain entitlements that, while not specifically provided for in this measure, could be obtained at a future date.** The Office of Hawaiian Affairs may choose to work with the Hawaii Community Development Authority, the Public Land Development Corporation, or other entities to obtain entitlements, develop these ceded lands, or both.

Additionally, the Hawaii State Constitution, Article XII, Section 6, Powers of Board of Trustees, charges the board of trustees of the Office of Hawaiian Affairs to exercise power as provided by law: to manage and administer the proceeds from the sale or other disposition of the lands, natural resources, minerals and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in section 4 of this article for native Hawaiians; to formulate policy relating to affairs of native Hawaiians and Hawaiians; and **to exercise control over real and personal property set aside by state**, federal or private sources and transferred to the board for native Hawaiians and Hawaiians. The board shall have the power to exercise control over the Office of Hawaiian Affairs through its executive officer, the administrator of the Office of Hawaiian Affairs, who shall be appointed by the board. [Add Const Con 1978 and election Nov 7, 1978]

**The current restrictions, for which OHA is seeking exemption, impede upon the powers of the Board of Trustees to carry out their mandate as bolded.**

The proposed development has many advantages including workforce housing, a Hawaiian Cultural Center, and raising needed funds for programs to address the needs of the Hawaiian community, such as in education, health, and housing. Re the Hawaiian Cultural Center, I am excited about that opportunity. While I wished we would have been the first, appreciate that finally we would join those immigrants whom we welcomed to Hawaii and who today have cultural centers, such as the Chinese Cultural Plaza, the Japanese Cultural Center, and the Hawaii Korean Culture Center. I think also that the Hawaiian Cultural Center has the potential to include exhibits on these groups who played an integral part in Hawaii's history, or even a wall dedicated to Kaka'ako's finest residents and leaders.

Lastly, I would be remiss if I did not express my concerns that these are brownfill lands with toxins that may be very costly to clean and that with climate change, there are threats to lands adjacent to rising sea levels. However, the Office of Hawaiian Affairs has done some preliminary studies and OHA Trustees feel confident that they can overcome these obstacles. In pursuing development, they would be required to conduct further studies and in the end it is possible that they could withdraw their plans. In exercising their fiduciary role, it seems reasonable now that they pursue the required exemptions before expending additional funds to conduct more studies since they would all be to no avail without the exemptions they are seeking.

In closing, the Hawaii State Legislature has historically recognized in many of its bills that Native Hawaiians are the indigenous people of the Hawaiian Islands. As such, I call upon you to give OHA the opportunity to develop its assets in Kaka'ako to their fullest potential. The first people of these islands deserve that preference in your decision making. Please pass SB736.

Respectfully,

Leimomi Khan



**SB-736**

Submitted on: 2/6/2023 3:30:39 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lu Ann Faborito	Individual	Support	Remotely Via Zoom

Comments:

I am in complete support of this measure. It is way overdue in about time that our native Hawaiian community can have an opportunity to provide and this is the vehicle that was so insure this type of action we strongly asked our legislators to please make good on all your efforts to help the native Hawaiian community.



## Testimony of Lee Sichter Opposing SB736

My name is Lee Sichter, I am a resident of Kāne`ohe, O`ahu, and am testifying today as a private citizen in opposition to SB736. I am presently a lecturer at the Department of Urban and Regional Planning (DURP) at the University of Hawai`i but I am not here today representing the views of the University.

I previously worked in Hawai`i as a planning consultant for 37 years, specializing in the preparation of environmental impact statements and land use permits. In addition, I served for two years on the staff of the Chair of the Honolulu City Council, the Honorable Patsy T. Mink, as her planning advisor.

I am the author of the Transit-Oriented Development (TOD) Overlay Plan for Kaka`ako-Mauka (2013) and the author of its accompanying Environmental Impact Statement (2015).

On March 30, 2010, I was commended by the Hawaii State Senate with a resolution (certificate no. 345) honoring my participation in the Environmental Review Working Group which proposed recommendations for revisions to Chapter 343, Hawaii Revised Statutes, our state's environmental review law.

I oppose SB736 because it is premature.

Doing business as Lee Sichter LLC, I was hired as a planning consultant by the Hawaii Community Development Authority (HDCA) in 2012 for a multi-year contract to prepare a master plan for transit-oriented development in the mauka portion of Kaka`ako; essentially preparing Kaka`ako for the arrival of the City's elevated light rail system. The preparation of the TOD Overlay Master Plan triggered the need for an environmental assessment, pursuant to Chapter 343-5(a)(1), Hawaii Revised Statutes, which states:

- “(a) Except as otherwise provided, an environmental assessment shall be required for actions that:
- (1) Propose the use of state or county lands or the use of state or county funds, other than for funds to be used for feasibility or planning studies for possible future programs or projects that the agency has not approved, adopted, or funded, or funds to be used for the acquisition of unimproved real property...”.

Because of the significance of anticipated impacts, a full environmental impact statement for the TOD Overlay Plan was required upon our publication of the Draft Plan in 2013.

Thus, the preparation of a master plan for the development of land at Kaka`ako Makai owned by the Office of Hawaiian Affairs (OHA), a state agency, triggers the same requirement for an environmental assessment pursuant to Chapter 343-5(a)(1), HRS.

It should also be noted that Chapter 343-1, HRS, states that the purpose of Hawai`i's environmental law is to ensure that environmental, economic, and technical considerations are given appropriate consideration by decision makers. Therefore, it would be premature for the Hawaii State Senate to enact any legislation that would designate future land uses on OHA's Kaka`ako Makai lands without the benefit of first fully understanding what the environmental, economic, and technical impacts of those proposed land uses might be.

Further, Chapter 343-5(b), HRS, states that an environmental assessment shall be done "...at the earliest practicable time...". This section of the law also says that if significant environmental impacts are likely, the applicant (in this instance, OHA) can skip the environmental assessment process and move directly to the preparation of an environmental impact statement.

Therefore, it is incumbent upon OHA to conduct the requisite environmental impact statement once it has completed and published a draft of its Master Plan for the Makai lands. And it would be premature for the State Senate to enact legislation pertaining to the specific use of state-owned lands prior to the completion of the environmental review process mandated by Chapter 343 which was intended to provide environmental, economic, and technical information for the benefit of decision makers at the earliest practicable time.

Finally, I would like to remind you that an EIS is not a development permit. It is an information document intended to inform the general public and decision makers. The State Senate can rest assured that OHA must conduct an EIS for the development of the Makai lands pursuant to any master plan it adopts, and the Legislative body can then use the information in that document to inform its own decision making, should it feel compelled to engage in the regulation of land uses on State-owned land.

Respectfully submitted on this day, February 6, 2023

  
Lee Sichter

**SB-736**

Submitted on: 2/6/2023 11:11:26 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
‘Ilima DeCosta	Individual	Support	Remotely Via Zoom

Comments:

Mahalo for the opportunity to testify in strong support of SB 736, which would enable OHA to finally develop the Kaka’ako lands, including developing badly needed workforce and affordable housing, in Honolulu’s urban core.

These lands were part of a non cash settlement intended to swap lands for monies owed to OHA...monies owed to the native Hawaiian people.

As a native Hawaiian - kanaka maoli - I have personally experienced struggles to stay housed following my divorce and following the domestic related gun death of my adult daughter.

Because of antiquated, bigoted laws, I don’t qualify for DHHL lands - or “Homestead”.

So, I am left to fend for myself, and to fend off greedy and abusive landlords.

I am a kanaka maoli who is working full time (plus a part time job) to help others living unsheltered, and because of a dispute

with my landlord over a lanai planter, I am currently a “homeless”, working kanaka maoli.

Last week, when I attended my final inspection, I was concerned to have been physically accosted by my landlord.

At one point, she even held my arm with her two hands, trying to restrain me from leaving after she accused me of damaging the door of her refrigerator (a calender magnet caused some rust) and proceeded to yell at me.

This is what us kanaka maoli have to deal with: unscrupulous landlords, who are emboldened to physically and mentally attack us, and who are never held accountable for their actions.

I am a long time advocate for those living unsheltered, survivors of domestic violence, and survivors of gun violence, I am also a strong proponent of efforts to develop workforce and affordable housing.

I fully support OHA’s efforts to deliver on the State of Hawai’i’s legal and statutory obligation(s) to the native Hawaiian community.

In addition to being disproportionately overrepresented in the carceral system and the adverse interventions of the child welfare services, it appears that a pronounced lack of financial support and literacy has severely undermined efforts to obtain housing, as many kanaka maoli struggle to maintain our credit standing (we actually have fundamental issues with the way

the credit system works...) and meet all of our monthly obligations on often marginal incomes.

Many kanaka maoli also suffer from chronic illness and behavioral health issues; problems that would likely be mitigated if we could remain employed and affordably housed.

Since native Hawaiians are more likely have involvement with the judicial and penal systems, more housed kanaka maoli means less kanaka maoli sitting in jail cells and on court benches.

If passed, SB 736 would only be the first step on the long road to fulfilling OHA's and the State of Hawai'i's fiduciary and humanitarian duties to the native Hawaiian people.

Kanaka maoli who work in Kakaako - like I do - and who make less than \$50k a year could finally afford to rent - or own - a home close to work.

I urge the passage of SB 736 and the swift reconciliation of any remediation of any remaining obligation(s) owed to OHA and its beneficiaries: the native Hawaiian people.

Mahalo for the opportunity to testify in support of SB 736.

**SB-736**

Submitted on: 2/7/2023 5:15:41 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Maddax Tsuchiya	Individual	Support	Remotely Via Zoom

Comments:

Aloha. My name is Maddax Ka'iwi Tsuchiya and I stand in firm support of SB736. I am a native Hawaiian who sees the potential of Kaka'ako residential development. SB736 as it stands, is one item of possible legislation that would assist the local/native community by providing a gateway for further movement both physically and economically in an area that sees much development from foreign sources. Furthermore, SB736 is a pathway to display a followthrough on behalf of the legislature to provide government affirmed assistance to the Hawaiian community. SB736, in summary, is a piece of legislation that must be passed in order to show a prioritization of local over foreign development, as well as assist physical and economic movement in the Kaka'ako area.

**SB-736**

Submitted on: 2/7/2023 12:09:51 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kawehi Correa	Individual	Support	Remotely Via Zoom

Comments:

I strongly support SB 736- this is how the project enhances Hawaii and its surrounding communities.

1. Housing crisis; here is a shortage of housing in Hawaii- specifically affordable housing, which majority of the master plan parcels designated for housing focuses on.
2. Family Activities; curtally centered a development for the people by the people. Land owners can and will enforce a community that embraces all people with a central focus on the native Hawaiian population and cultural.
3. Increased access to the ocean- Hawaii is the Home and curation of surfing. With the development public would have more access to the ocean in a safe and clean enviornment.
4. Native Hawaiian economic empowerment- the revenue generated from these lands will benefit the native popluation of Hawaii. This is critical for Hawaii as a whole because it means that the population on the lowest socioeconomic scale will have an opportunity to have support in its program and offerings uplifting Hawaii as a whole.



Robbie Le'a Kapi'olani Cabral  
Founder, Senior Advisor  
Innovations Development Group  
2990 Pacific Heights Rd  
Honolulu, HI 96813  
(808) 469-2117  
www.idghawaii.com

February 7, 2023

Testimony of  
Robbie Le'a Kapi'olani Cabral  
Founder, Senior Advisor  
Innovations Development Group

Before the  
COMMITTEE on WATER and LAND and  
COMMITTEE on HAWAIIAN AFFAIRS at the  
Hawaii State Capitol in Conference Room 229

SB736 — RELATING TO HOUSING

Honorable Senator Lorraine R. Inouye, Chair; Senator Brandon J.C. Elefante, Vice Chair; members of the COMMITTEE on WATER and LAND; Senator Maile S.L. Shimabukuro, Chair; Senator Kurt Fevella, Vice Chair; and members of the COMMITTEE on HAWAIIAN AFFAIRS:

On behalf of Innovations Development Group and myself, I am submitting this testimony in **STRONG SUPPORT** of **SB736** relating to Housing.

Hawaii's leaders and lawmakers have made significant strides in recent years to make up for past injustices and provide more robust resources and support for our indigenous peoples. Further, coming out of the pandemic, it is clear that the needs and dreams of our local people should be of paramount priority in planning for the future. Nonetheless, much, much more remains to be done. **SB736** addresses vital and unfinished business that has been allowed to languish for a decade, since the passage of Act 15, Session Laws of Hawaii 2012.

With this 2023 Legislative session, the people have elected a number of new representatives to the state House and Senate. So please allow me an opportunity to clarify a few key points of history that I





believe have become clouded by time and—in some cases—deliberate misdirection and obfuscation by opponents.

For example, while the 2006 restriction on residential development in Kaka’ako Makai was well known at the time of the 2012 settlement, it was always the understanding of both OHA and the legislators with which it negotiated in good faith that additional changes to the law would be needed and forthcoming.

Senate Committee reports confirm that the settlement included the intent to revisit entitlements for housing on the conveyed land. Specifically, lawmakers acknowledged in the report from the Committees for Hawaiian Affairs and Water, Land and Housing that “property values could be enhanced by certain entitlements that, while not specifically provided for in this measure, could be obtained at a future date.” The Committee on Judiciary and Labor also noted their conviction that “this measure does not represent a final settlement of all of the longstanding ceded land claims, nor does it encompass all ceded land parcels within the lands identified as the Kaka’ako Makai area.”

Indeed, the stated value of the settlement of \$198 million was based on the development potential of Kaka’ako Makai, including residential development. If the 2006 restriction remains in place, the actual value of the property is well below \$50 million.

OHA had made clear in 2012 that a cash settlement was ideal, but the political climate at the time—coming out of a period of massive deficits and ‘Furlough Fridays’—required OHA to take the land deal, and quickly. I think it’s important to consider that, had OHA been paid \$200 million in 2012, even conservative investment of such funds would yield a return totaling \$350 million today.

Further, not only was the value of the settlement overstated given the residential ban, but the property was found to have suffered from decades of profound neglect by the state. Between the blighted condition of the land prior to acquisition by the state, and deferred maintenance of critical shoreline bulkhead and underground infrastructure, OHA finds itself facing tens of millions of dollars in remediation and repairs. SB736, therefore, also seeks recourse for the inadequately disclosed condition of the property at the time of conveyance.

This is not the first time OHA has sought to address the deficiencies of the state settlement. The ability to develop housing in Kaka’ako Makai was sought in 2016. And four Senate committees reconfirmed the documented intent of the legislature to grant OHA the needed entitlements. Nonetheless, the proposal failed.



In 2021, a bill to rescind the prohibition on residential development successfully passed in the Hawaii state senate, but was outright denied any hearing in the House, again killing the proposal.

As deliberations resume once again, I feel compelled to point out that the 2006 law restricting residential development was passed by the legislature after a loud, coordinated campaign of special interest groups—some of which enlisted under flimsy pretenses—to preserve the million-dollar ocean views of wealthy stakeholders across the street. The law was created by the legislature and can be changed by the legislature, as is its purview.

Do not let history conclude that the Legislature was more responsive to these special interest groups than the clear, demonstrated need for Native Hawaiians to be given the right to design and build their own pathway toward thriving, vibrant future generations.

I urge you to pass SB736 to finally deliver on the promise made to OHA and its Hawaiian beneficiaries in 2012. Pass SB736 to ensure OHA has the resources necessary to fulfill its mission successfully and sustainably for all Hawaiians across Hawaii. Pass SB736 to clear the way for OHA and its partners to build a special community gathering place in the heart of Honolulu that welcomes all people, from keiki to kupuna, and honors its historic sense of place, Hawaiian cultural values, and our unique island lifestyle.

Thank you for your consideration.

**SB-736**

Submitted on: 2/7/2023 12:24:40 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Karl Baker	Individual	Support	Remotely Via Zoom

Comments:

I stand firmly as a Hawaiian Man, a Hawaiian Mortgage Banker, and most importantly as a Hawaiian practitioner FOR SB736

Aloha,

As a man with Kupuna status I have lived my life quietly and with Aloha but I can NO longer hold back and not express my feelings when I hear Non Hawaiians who want to tell me and our Lahui what and how we can use our assets and our resources.

The State has 1.3 million acres of Ceded lands and in 2012 we were given 30 of those acres and the naysayers still want to control our existence but telling us what we can do with these 30 acres???. This has to STOP.

You know we all should care about our open public shoreline but let's get this straight and to the point our 30 acres transferred to OHA as a debt owed is NOT public lands. These lands are in trust for the Hawaiian people and any funds raised by these lands will go to benefit the Lahui. Hawaiians lived a sustainable life before "sustainability" was even a term. Kaka'ako was a thriving community from Puowaina, to the U'ala field flats, down to the Lo'i, the fresh water punawai, our loko I'a, and our salt flats. Our community thrived here for 100s of years before the introduction of disease which killed thousands of our people. So please do NOT put us into your category of people who do not listen or live with our lands and oceans.

Naysayers say the land is toxic and it is but let's ask the question of who did this? Was it Hawaiians? NO it was NOT Hawaiians but we will have to go and make sure the toxic lands are cleaned up to industry standards before we can make this a place where we can live, laugh, play and most importantly love.

The same group of people say they do not want this place to become Ko'olina! The question I have is, "Did Hawaiians develop Koolina?" The answer is an absolute NO. Hakuone will be developed by Hawaiians for all. A place where normal people can enjoy watching the boats come in and out or watch the sunset if they please. We are going to have the first Hawaiian Cultural Center as this is Hawaii and since these are Hawaiian land we MUST have a Hawaiian Cultural Center and this center will be the nexus. I don't think Ko'olina has a Hawaiian Cultural Center. We will have a walking promenade on all waterfront properties for the public to enjoy. I do not remember Ko'olina having this, do you? We will have an area for a Pa Hula. Does Ko'olina have this? We will have an outside entertainment center, does Ko'olina have this? As you can see Hakuone has no comparison to Ko'olina.

1. there are the so called surfers who say we are not going to allow them any access to the ocean. When I hear this I absolutely detest this comment. When I hear it I know these people are not serious and there are alternative motives. Gathering rights of our mountains and oceans are part of our Hawaiian DNA. When the State Legislature was going to stop Hawaiian from having access the Hawaiian people came together to stop this law because this law would stop us from being who we are and now we have a law called PASH or "Public Access Shoreline Hawaii". We will always have access to the shoreline for people as this is a must for our development. As I mentioned before we will have a promenade on all shoreline properties. Aloha Kawalo harbor currently there is access to only Lot A but in the future as the lands are developed there will be more direct access from Ahui St. as currently there is none.

If I'm not mistaken housing is a must in Honolulu. There are NOT enough being built and there are not enough affordable units being built either. Hawaiians have such a shortage of housing and OHA should be able to build residential units for our people. OHA should also be allowed to build one high end condo to help supplement other areas of their mission statement. We CANNOT build a community if we do not have anyone live at Hakuone. If they live there then they can laugh, and play and most importantly love. When OHA builds residential the profits stay here for the Lahui. When they are built at Ward Village the profits go to Texas. They are building 200 feet across the street from us and they can build 20+ condos and we cannot build 3 of 4 of them? Does this seem fair to you that Hawaiian cannot build on our lands but foreigners can? Our money stays here and theirs?

**SB-736**

Submitted on: 2/4/2023 10:45:36 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Darren Tanaka	Individual	Comments	Written Testimony Only

Comments:

Aloha Committee members,

I strongly oppose residential development in Kakaako Makai. We already know that residential development would be bad for the environment, does not pass the “is this good planning?” question, it is unconstitutional, and is a short sighted plan to generate revenue for beneficiaries.

Mahalo for your consideration

**SB-736**

Submitted on: 2/4/2023 11:05:28 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jun Look	Individual	Oppose	Written Testimony Only

Comments:

Why do we have to fight this fight again? The policy to not build on kakaako makai was passed a long time ago. Enough already. The state need to make a deal with OHA to trade off that land for something else. And then forever leave that shoreline open to the people of Hawaii

## **An open testimony**

*(Note: This testimony has been published on the Hawaii Ocean News website so that all of Hawaii might be aware of its existence.)*

Regarding [SB736](#):

RELATING TO HOUSING

### **Testimony submitted by:**

Katherine Lindell  
Honolulu, Hawaii  
[Katherine@HawaiiOceanNews.com](mailto:Katherine@HawaiiOceanNews.com)

On: February 7, 2023, @ 11AM

## **Testimony**

I stand firmly with Senator Sharon Moriwaki in strongly opposing SB736.

With its contempt for Hawaii's delicate ecosystem and the sacred nature of Hawaii's aina, and its disregard for the utter urgency of putting the brakes on developing on Hawaii's coastal lands, OHA should be disbanded and re-established to truly represent the Hawaiian people. Right now, OHA is nothing more than another in a long list of selfish, greedy, financial self-interests who attempt to manipulate our lawmakers and put money before community. Enough!

Senator Moriwaki says it best in her testimony, reprinted here:

*Everyone who cares about our last open public shoreline in urban Honolulu should know that OHA's Hakuone plan to build 400-foot residential towers for the "highest and best use" on Kakaako Makai (the land on the makai side of Ala Moana Blvd) is dangerous to the health of our land, coral, ocean and people. This is serious so I apologize for this long message but it is the only way to share what I've learned in my efforts to protect our district for our residents and the --oh so many-- others who enjoy our Makai parks.*

*OHA's land is a brownfield --built on toxic landfill of lead, arsenic, asbestos, PCB and more-- so any building must first clear an environmental review of the land, social and cultural and other issues. But OHA is seeking to have legislators pass a bill to lift the long-standing prohibition against building residential on this contaminated land near the ocean; and also to allow OHA to build residential on all 9 of its parcels, build 400-foot towers (when the zoning maximum allowable is 200 feet) and create a heavy burden on the land (and toxic materials below) with*

6.0 floor area ratio (FAR) when the current maximum allowable is 2.5 FAR -- all this without first doing serious study of the impacts and costs of their building on our treasured last open public shoreline in urban Honolulu. See the [link to SB736](#) where you can read the bill, the hearing notice --it will be heard before the Senate Water/Land and Hawaiian Affairs Committees on Wed 2/8 at 1:05pm --and submit your testimony. Time to speak out loudly and clearly! Let your families and neighbors know that it is time again for the people to speak out for what is pono for our Hawaii Nei.

You should also know that OHA is "educating" at the Capitol on its Hakuone plan on Feb 6-- sponsored by Sens Kidani & Shimabukuro. This is unusual and interesting timing as the bill is to be heard the next day. Rather than using politics we need to "educate" on the power of the PEOPLE. See Ron Iwami's powerful video on how grassroots commitment and caring for the 'aina overcame A&B's similar attempt to build residential on Kakaako Makai land --and their towers were to be no more than 200 feet NOT the 400 feet that OHA is planning: <https://www.youtube.com/watch?v=xEEUQuEST5s>

On February 13, Friends of Kewalos (FOK) is also educating and discussing OHA's attempt to build residential on Kakaako Makai and other options in lieu of building residential towers. Attached is a flyer on the meeting where you can learn more from the experts: [https://mcusercontent.com/21556276fc9cc964f44177dd2/files/ef0ff09a-c232-6098-cddd-958427efee17/2023\\_Kakaako\\_Makai\\_Development\\_Flier.pdf](https://mcusercontent.com/21556276fc9cc964f44177dd2/files/ef0ff09a-c232-6098-cddd-958427efee17/2023_Kakaako_Makai_Development_Flier.pdf)  
[Preview attachment Hakuone-EducationalEventFlyer.pdfHakuone-EducationalEventFlyer.pdf2.7 MB](#)

Since it would be late for the hearing next week (but not so if the bill moves out of the committees) you may want to see other videos (they are about 25 min long but worth your viewing if you want to learn about this treasured land and how many have fought to protect and care for it).

As with other controversial topics, ThinkTechHawaii, as usual, sought to interview those with expertise, experience and commitment to Hawaii:

-- Alan Burdick, co-chair of the Environmental Caucus of the Democratic Party, on the land below: [https://www.youtube.com/watch?v=rfOOsTC01-U&list=PLQpkwcNJny6nJGdGp\\_I\\_KRFKXbV55pVZ\\_&index=3](https://www.youtube.com/watch?v=rfOOsTC01-U&list=PLQpkwcNJny6nJGdGp_I_KRFKXbV55pVZ_&index=3)

--Kapono Nailiili, Native Hawaiian view of the importance of keeping Kakaako Makai shoreline open: [https://www.youtube.com/watch?v=cLlaeu9\\_7dU&list=PLQpkwcNJny6nJGdGp\\_I\\_KRFKXbV55pVZ\\_&index=3](https://www.youtube.com/watch?v=cLlaeu9_7dU&list=PLQpkwcNJny6nJGdGp_I_KRFKXbV55pVZ_&index=3)

Craig Nakamoto, Hawaii Community Development Authority (HCDA) on Kakaako law and plans: [https://www.youtube.com/watch?v=yKPnXJ6BncA&list=PLQpkwcNJny6nJGdGp\\_I\\_KRFKXbV55pVZ\\_&index=2](https://www.youtube.com/watch?v=yKPnXJ6BncA&list=PLQpkwcNJny6nJGdGp_I_KRFKXbV55pVZ_&index=2)



*Lee Sichter, Planner, on sound planning for and in Kakaako:* [https://www.youtube.com/watch?v=74-Ln\\_s2pVM&list=PLQpkwcNJny6nJGdGp\\_I\\_KRFKXbV55pVZ\\_&index=5&t=220s](https://www.youtube.com/watch?v=74-Ln_s2pVM&list=PLQpkwcNJny6nJGdGp_I_KRFKXbV55pVZ_&index=5&t=220s)

*Scott Wilson, Architect, on concerns for building in Kakaako Makai:* [https://www.youtube.com/watch?v=74-Ln\\_s2pVM&list=PLQpkwcNJny6nJGdGp\\_I\\_KRFKXbV55pVZ\\_&index=5](https://www.youtube.com/watch?v=74-Ln_s2pVM&list=PLQpkwcNJny6nJGdGp_I_KRFKXbV55pVZ_&index=5)

*Wayne Takamine, President of Kakaako Makai Community Planning Council, on the vision and future for Kakaako Makai:* [https://www.youtube.com/watch?v=Flb16byGVNq&list=PLQpkwcNJny6nJGdGp\\_I\\_KRFKXbV55pVZ\\_&index=2&t=67s](https://www.youtube.com/watch?v=Flb16byGVNq&list=PLQpkwcNJny6nJGdGp_I_KRFKXbV55pVZ_&index=2&t=67s)

*Jane Sugimura, Condo Lawyer, on living in Kakaako Makai*  
<https://www.youtube.com/watch?v=et9tQ0wuqvs&t=125s>

*Senator Sharon Moriwaki*

**SB-736**

Submitted on: 2/4/2023 12:37:33 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Patrick Ogawa	Individual	Oppose	Written Testimony Only

Comments:

Aloha committee,

I am opposed to SB736.

Thank you for your time.

**SB-736**

Submitted on: 2/4/2023 2:31:57 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Stephanie Breault	Individual	Support	Written Testimony Only

Comments:

I support SB736 because our community is calling on this committee to aid in the removal of any and all obstacles that would prohibit Native Hawaiians from determining what happens on Native Hawaiian land.

**SB-736**

Submitted on: 2/4/2023 2:59:34 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brooke Holt Pennell	Individual	Support	Written Testimony Only

Comments:

The Office of Hawaiian Affairs should be allowed to determine how best to utilize their conveyed lands to directly benefit Hawaiians and part Hawaiians.

The cost of houses in Hawaii are at over a million dollars and condos or apartments rapidly soaring over \$500,000. With rent out of control and the difficulty to afford the basic necessity of living in our homelands where we have low wages and such a high cost of living. With blood quantum requirements and long waiting lists, so many part Hawaiians such as myself are stuck in no man's land. Can't qualify for Hawaiian Homes, can't afford to buy a house, can't afford the astronomical rents that get driven up by thousands and thousands of part time "residents" that are International or from mainland USA.

We need some affordable housing in Honolulu for the people that work in Honolulu that can't afford to waste hours a day commuting to the rapidly dwindling areas where there is some affordable housing.

We need a cultural gathering place for Hawaiians to practice their arts both traditional and modern and participate in sharing their indigenous identity. We need rent controlled commercial space to develop small curated Kanaka owned businesses that support Hawaiian entrepreneurs.

SUPPORT SB736 - Mahalo

**SB-736**

Submitted on: 2/4/2023 3:45:27 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Bickel	Individual	Oppose	Written Testimony Only

Comments:

Although we need housing, we need affordable housing. We don't need a lot of more high end housing. We don't need to turn our waterfront land into a concrete jungle. We should be conscious of our skyline. If I want to live in Manhattan, I will move there. I don't want it replicated in Kaka'ako.

**SB-736**

Submitted on: 2/4/2023 4:04:44 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Fredrick Patacchia Jr	Individual	Oppose	Written Testimony Only

Comments:

I am strongly opposed to Bill SB736. This Bill will distroy our local surf and beach culture. The locals are losing their ability to own homes due to the raising cost of realestate. Now our ocean access and our way of life is in jeopardy. When will you stop!!! Stop this bill.

Fredrick Patacchia Jr

**SB-736**

Submitted on: 2/4/2023 6:13:37 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
GLENN Shockley	Individual	Oppose	Written Testimony Only

Comments:

OHA"s purpose is to care for people of Hawaiian ancestry, not satisfy their personal greed. If this variance of the law is allowed, then the State of Hawai'i should only allow people of Hawaiian ancestry to purchase these condos and that at a price that they can afford.

**SB-736**

Submitted on: 2/4/2023 6:22:17 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Madonna Dizon	Individual	Oppose	Written Testimony Only

Comments:

I oppose. ‘A‘ole! The preservation of the last bit of Honolulu shoreline is what is important. Changing the variance to allow multi-million dollar development works to the detriment of the land and its Hawaiian people. So-called affordable is atrociously unaffordable. Hiding behind the mask of "for the benefit of the people" is a bunch of crock and political babble.



**SB-736**

Submitted on: 2/4/2023 6:36:42 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rita Shockley	Individual	Oppose	Written Testimony Only

Comments:

I am against SB736. We do NOT need more highrise housing for rich people who visit 2 months out fo the year. We residents want to maintain the LAST open space in Honolulu.

**SB-736**

Submitted on: 2/4/2023 6:56:08 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alethea Rebman	Individual	Oppose	Written Testimony Only

Comments:

Please stop disregarding zoning. Our city is becoming a mess and there is no plan when zoning is continually disregarding and variances granted. OHA took this land knowing the restrictions on it and should be held to it. And enough waterfront building - let the people who live and work here have something to enjoy.

Senate Committee on Water and Land  
Senate Committee on Hawaiian Affairs  
Feb. 8, 2023 at 1:05 pm

OPPOSING SB 736

My name is John Kawamoto, and I oppose SB 736. Section 1 of the bill presents a lengthy argument for the bill with a multitude of facts consisting of more than 20 pages. However, length is no substitute for logic. The facts presented in the argument lead to a different conclusion.

The following facts are stated in Section 1 of the bill:

- The State must fulfill its public land trust responsibilities that benefit native Hawaiians.
- Act 196, SLH 1979, created the Office of Hawaiian Affairs (OHA).
- Act 273, SLH 1980, made OHA responsible for managing the “pro rata share” of 20% of the funds derived from the public land trust.
- Act 178, SLH 2006, set an interim fixed amount of \$15,100,000 as OHA’s pro rata share.
- Act 15, SLH 2012, conveyed nine parcels of land in Kakaako to OHA, which the State and OHA agreed upon to settle a back payment dispute.
- Act 15, SLH 2012 states, regarding the nine parcels of land in Kakaako, “the fee simple interest to the ... parcels of land with the existing improvements thereon ... is conveyed to the office of Hawaiian affairs as grantee, as of July 1, 2012, as is, where is”, and that “as is, where is” means that “the office of Hawaiian affairs is accepting the [p]roperties in their existing condition as of March 1, 2012, the close of the office's period for due diligence, without representations or warranties of any kind or nature.”

OHA accepted the nine parcels of land in Kakaako “in their existing condition,” with the urban design conditions in existence at the time. OHA must have done its due diligence and been aware of those conditions.

Now, ten years later, SB 736 is designed to increase the value of the land by allowing the Hawaii Community Development Authority to approve residential development on the nine parcels.

It should be noted that this bill does not contribute to fulfilling the State’s public land trust responsibility. Instead, the purpose of the bill, as stated in Section 1, is “to enhance the revenue generating capacity of the nine parcels of land that were conveyed to the office of Hawaiian affairs pursuant to Act 15.”

OHA is not alone in wanting to increase the revenue generating capacity of its land. It is likely that the great majority of the owners of land in Kakaako also want to do so.

Since SB 736 does not contribute to fulfilling the State’s public trust responsibility, the joint committee should hold the bill.

**SB-736**

Submitted on: 2/5/2023 6:47:32 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kian	Individual	Oppose	Written Testimony Only

Comments:

Aloha committee members,

It is hard to find places without the eyesore of high rises within Honolulu. And as a native Hawaiian, I feel blessed to have access to places that still remain minimally developed such as Kakaako makai. My favorite surf spot and place for my family to enjoy is kewalo basin and Kakaako waterfront park. I've spent countless days at these sites and have may fond memories of this place. It saddens me that this would just become just another development site and eyesore. As a beneficiary of crown lands I strongly oppose any proposal to further develop upon these lots for residential use. I feel this brings little revenue or benefit to the beneficiaries. Often times we as people do not ever see where the money goes because it never comes back to us anyways. I ask that you please reconsider this proposal and hear the voices of the people. Mahalo for listening and your service.

Sincerely,

Kian Aquino

**SB-736**

Submitted on: 2/5/2023 6:55:57 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sandra Auwelo	Individual	Oppose	Written Testimony Only

Comments:

Building high rise residential units here would be detrimental to this area. Use the land for the good of all people such as for recreation, education, or marine research.

**SB-736**

Submitted on: 2/5/2023 8:47:55 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chad Bateman	Individual	Oppose	Written Testimony Only

Comments:

Hello Committee Representatives

I strongly oppose the SB736 as it is poor planning to change implementations for the financial benefit. This is not what the people want and will hurt the environment. We have seen numerous new developments already for the rail initiative and to what end will this stop. You and I have the choice to stop this.

Thank you,

Chad Bateman

Resident

**SB-736**

Submitted on: 2/5/2023 9:21:33 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
jerry lam	Individual	Oppose	Written Testimony Only

Comments:

i am strongly opposed to this bill 736. there are so few beaches our ohana can vist on honolulu. they include kaimana, ala moana and kewalo's. Kakaako must be planned for ALL our residents. You cannot change the rules in midstream. Laws were passed for a reason. OHA knows the agreement that was made in the past and should honor it in good standing. The density, the height exemptions, the noise, the traffic, the lack of including the greater community and many other items will have dire consequences. please honor the current laws and do not pass this flawed bill 736! thank you for the chance to testify! jeremy lam, m.d.

**SB-736**

Submitted on: 2/5/2023 11:05:19 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sue Lussa	Individual	Oppose	Written Testimony Only

Comments:

I grew up on Oahu. There were only three hotels in Waikiki. And now there are so many highrise hotels you can't find the beach. Please, please, Hawaii doesn't need any more highrise buildings. Don't continue to ruin what used to be paradise.



**SB-736**

Submitted on: 2/5/2023 12:30:22 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Bernard Nunies	Individual	Oppose	Written Testimony Only

Comments:

**STRONGLY OPPOSE SB 736, STOP RESIDENTIAL DEVELOPMENT IN KAKAAKO MAKAI!**

In 2006 the State of Hawaii passed a law prohibiting the building of residential buildings on the Makai side of Ala Moana blvd in Kakaako to preserve and protect the coastline in urban Honolulu. The Office of Hawaiian Affairs (OHA) is seeking to change the law by asking for exemptions to lift the current restriction against residential development on parcels under OHAs control.

It is unconstitutional, in an opinion by the State Attorney General to the State Legislature giving OHA an exemption is in violation of Section 5 Article XI of the State Constitution. And it is an environmental hazard to develop residential in the area as the EPA has deemed the area a "Brownfield".

I ask that you keep the current law in place that bans residential development Makai of Ala Moana blvd in the Kaka'ako area and keep the height restriction of 200ft without exceptions.

I am not against generating funds to benefit Native Hawaiians, or against Native Hawaiian self determination. There are options available that can achieve both of those goals without building residential. There are other money generating options besides residential that will benefit everyone.

I aks that you OPPOSE SB 736 and preserve these lands for future generations. Once this land is sold to private entities this land is gone forever.

**SB-736**

Submitted on: 2/5/2023 2:06:36 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
lynne matusow	Individual	Oppose	Written Testimony Only

Comments:

A'ole. No. Nyet. Non. Nein. And all other langauges. Do not move this bill forward. Those in support accepted these lands. At they time, they should have known that the uses were restricted. They should have known they were sold a bill of goods. They should not have accepted the land transfer assuming they would be able to change the terms. The restrictions were put forward after community opposition to Alexander and Baldwin's plans for the property. They were passed after many hearings, demonstrations. The restrictions were placed there for the greater good. And now this, another attempt to undo good land management. Do not give them a toe hold, an inch, a foot, period. What you should do is give them other land, land that is not subject to climate change, land that will not sink into the moana, land that will not create the problems we see on the north shore, where housing are falling into the see.

No exception to the residetial ban. None.

No waiver to double the building height on any of their lots.

No ability to sell their land to a third party. Give them the ability to transfer their land to the state for other land on Oahu or elsewhere in the state.

No increase in density of their highrises. None.

No taxpayer money for repairs. Not one kala. Not one cent. Not one dollar.

No taxpayer money for a perceived loss in revenue over the last 11 years.

They goofed when they made the deal, the deal with the state or with the devil, no matter how it is perceived. But they made it. Maybe they did not understand it. Or maybe they did. But they have to abide by it.

Those who worked to craft the language years ago, before these proponents got invovled, fought for the language for all the poe, all of the poe of the aina, and they must be respected. Give in now and Alexander and Baldwin could come back asking for retribution, saying they were swindled. Enough. Where will it end?

**SB-736**

Submitted on: 2/5/2023 3:14:12 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elizabeth Weitz	Individual	Oppose	Written Testimony Only

Comments:

Due to sea level rise, we should be receding built structures from shorelines. Instead, this does the opposite...please don't solve current financial issues by creating problems for future generations. In addition, it's very important to the culture in Hawaii that waterfront remain accessible to the public. Again and for a different reason, we should be expanding waterfront access, not privatizing them. This is also a social issue - as a surfer, in my experience it is so important that the culture of surfing is a 'social inversion' - that burdensome social norms that dictate our status throughout society dissipate to a significant extent in the water. What other place do people of so many social classes come together to enjoy the same features? In particular, this access is important for the poor. Many people lower in SES spend lots of time at the waterfronts this bill would turn into residential development for undoubtedly, the upper class. This would not just be reduced access, but is a policy that would create more inequitable access to the waterfront in a way that penalizes the lower classes. Please don't do this.

**SB-736**

Submitted on: 2/5/2023 4:41:45 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shereen Goto	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Inouye, Elefante, Shimbukuro, Fevella and Committee Members:

I strongly oppose this bill which provides exceptions to existing State law prohibiting all residential development in Kakaako Makai. Allowing these exceptions would establish precedent, significantly diminishing the intent of State law.

Respectfully,

Shereen Goto

**SB-736**

Submitted on: 2/6/2023 9:56:12 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Malia Marquez	Individual	Support	Written Testimony Only

Comments:

Aloha Kākou,

I strongly support SB736. Our people (native Hawaiians) deserve communities rooted in our own culture.

Mahalo,

Malia Marquez

**SB-736**

Submitted on: 2/5/2023 6:22:37 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Penelope Hazzard	Individual	Oppose	Written Testimony Only

Comments:

We desperately need low income housing but not at the expense of our seafront activities. Also this area is in a tsunami zone. What craziness is this. Look at pictures of Fukushima

**SB-736**

Submitted on: 2/5/2023 7:44:29 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Stephen T Hazam	Individual	Oppose	Written Testimony Only

Comments:

Please OPPOSE SB736. These exceptions to the agrrement that transferred these properties to OHA make a mockery of their claim of pono stewardship of the aina.

NO to allowing residential development.

NO to waivers for building height restrictions

NO to ability to convey land to 3rd party for residential development.

NO to more monies.

NO to SB736 so that we may protect Kaka"ako Makai.

Respectfully,

Stephen T Hazam

1288 Kapiolani Blvd., #1104, Honolulu, HI 96814 617-678-3533

**SB-736**

Submitted on: 2/5/2023 8:12:03 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Heidi A. Meeker	Individual	Oppose	Written Testimony Only

Comments:

Members of the Committee on Water and Land and the Committee on Hawaiian Affairs

Thank you for the opportunity to express my opposition of SB736. I ask that you consider just one important impact if this bill is allowed to pass. The increased density of buildings and people will reduce and limit the experience of all people in need of park and open space. Buildings keep people away from the water. Where will your grandchildren go to watch 4th of July fireworks? Not Ala Moana, not Waikiki. Save the only open space still available on the south shore. Please keep it open.



Dear Chairs, Vice Chairs and Committee Members,

**I am writing in strong opposition to SB736.**

In 2006 the State of Hawaii passed a law prohibiting the building of residential buildings on the Makai side of Ala Moana blvd in Kakaako to preserve and protect the coastline in urban Honolulu. The Office of Hawaiian Affairs (OHA) is seeking to change the law by asking for exemptions to lift the current restriction against residential development on parcels under OHAs control.

-Exemptions to the law will set a precedent to also give other landowners opportunity to ask for the same exemptions to develop areas in Kaka'ako Makai.

-It is unconstitutional, in an opinion by the State Attorney General to the State Legislature giving OHA an exemption is in violation of Section 5 Article XI of the State Constitution.

-It is an environmental hazard to develop residential in the area. The EPA has deemed the area a "Brownfield".

-OHA knew that there is a law that prohibits the development of residential property in the Kakaako Makai area before they took the land deal from the State of Hawaii.

-OHA knew the value of the land prior to taking the deal hoping to reverse the law to increase the land value by developing residential property and selling to individuals or corporations.

-Selling the land generates money by selling properties to wealthy individuals. This is a short-sighted goal. Rather, develop the land to generate money while still keeping it in Hawaiians hands.

-We are not against generating funds to benefit Native Hawaiians, or against Native Hawaiian self determination. **There are options available that can achieve both of those goals without building high-rise luxury residential.**

-Alternative and vastly more beneficial options should be what OHA is considering. The organization *Friends of Kewalos* has proposed a uniquely Hawaiian cultural center that focuses on Native Hawaiian language, fishing, voyaging, trading, hula, etc. as well as fish ponds, Native Hawaiian led ocean research, education, and a world class aquarium.

-Rather than a short term sellout, the benefits of such a plan are more than monetary; they encompass local jobs, education and a stronger lā.hui.

**I do not support SB736.**

-I am against residential development in Kaka'ako Makai; better options exist that truly consider the Native Hawaiian cultural experience and the Āina.

-Preserve these lands for future generations. Once this land is sold to private entities this land is gone forever.

Mahalo for your heartfelt consideration of this momentous decision,

Kristine Chung

**SB-736**

Submitted on: 2/5/2023 8:59:47 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Darryl Nordstrom	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I strongly oppose this bill. Rules/laws were implemented in the past to protect Kakaako Makai from becoming another Waikiki, area with high rise water front condos for only the very wealthy that can afford them, and over developed for the sole purpose of making money. I have enjoyed surfing, swimming biking and relaxing in this area my entire adult life. We the people of Hawaii do not need more buildings, malls, shopping, luxury condos in this area. We need to honor the laws already passed to protect this last parcel if protected land from development that does not adhere to the existng rules. We know if we change the law and allow development there will likely eventually be high rise condos right along the water and lots more traffic noise and pollution.

Please do not allow this to pass. This is only about money and not about the people, or protecting the aina. There are much better ideas that stay within the current law that could be implemented in Kakaako Maki.

With all Sincerity,

Darryl Nordstrom

**SB-736**

Submitted on: 2/5/2023 11:04:39 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brian F. Funai	Individual	Oppose	Written Testimony Only

Comments:

I am in opposition to this bill.

Douglas Meller  
2615 Aaliamanu Place  
Honolulu, Hawaii 96813  
douglasmeller@gmail.com

**Testimony Opposing SB 736 Relating to Housing**

Submitted to Senate Committee on Water and Land and  
Senate Committee on Hawaiian Affairs

Wednesday, 1:05 pm, February 8, 2023, State Capitol Room 229 & Videoconference Hearing

I support appropriation of funds owed to OHA. The State should do what it promised.

I think the politicians who run OHA made an enormous mistake when they accepted property in lieu of funds owed to OHA. For the same reasons that the State rarely realizes the so-called “fair market value” of public lands under BLNR jurisdiction, it seems unlikely that OHA will realize the alleged “fair market value” of property under OHA jurisdiction.

I oppose SB 736. This bill is either a shibai attempt to postpone paying OHA what it’s owed or misguided attempt to remedy OHA’s mistake of accepting property in lieu of funds owed to OHA. Regardless of legislative intent, SB 736 is likely to be overturned by Hawaii courts. If the bill passes, someone will file a lawsuit alleging that legislation which only applies to specific parcels of OHA property is a “special law”. Hawaii’s Constitution does not authorize the Legislature to pass a “special law” instead of appropriating funds owed to OHA. Moreover, Hawaii’s Constitution does authorize the Legislature to pass a “special law” to remedy OHA’s mistake of accepting property in lieu of money owed to OHA.

**SB-736**

Submitted on: 2/6/2023 7:42:06 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kevin Fung	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this because because I do NOT want Kakaako Makai to become another Waikiki/Downtown. We have enough condos already and we MUST keep this last ocean front land for everyone to enjoy.

## TESTIMONY OF ELLEN GODBEY CARSON IN OPPOSITION TO SB 736

**I write in opposition to SB 736.**

A ban on high rise housing in Kaka'ako Maka'I has existed since 2006. This was six years before OHA accepted a deal from the Legislature to take 31 acres of state-owned land in lieu of \$200,000,000, representing a partial settlement for ceded-land revenue the state owes OHA. OHA accepted the 31 acres with this ban on high-rises in 2012 as being worth approximately \$200,000,000, based on a professional appraisal it commissioned for the land at that time.

OHA now seeks to renegotiate its deal and to disregard the ban on high rise housing, so as to create much greater value for its property. While there is much injustice that needs to be addressed regarding our Native Hawaiian community, the solution is not to demand renegotiation of a settlement entered into a decade ago, to eliminate this material term.

The Master Plan for Kakaako that bans high-rises in this area was the result of numerous community groups and the Legislature coming together to set reasonable limits on sea-side developments, so as to create permanent restrictions on development to enhance our island for years to come. That Plan clearly bans high-rise housing on the oceanside side of Ala Moana Boulevard, and should continue to be enforced according to its terms.

Let's continue to work on better solutions for justice for the Native Hawaiian Community, without gutting a carefully laid Master Plans designed to serve our entire community.

Ellen Godbey Carson  
Honolulu, Hawaii

**SB-736**

Submitted on: 2/6/2023 10:06:32 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Richard Tillotson	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I urge you to OPPOSE this bill. Kakaako Makai must be kept for current and future generations – it is urban Honolulu’s last open public shoreline, which benefits all of the people who live here, Hawaiians and non-Hawaiians alike.

OHA’s parcels are brownfields — sitting on landfill that must be tested to ensure no toxic material seepage will come from the city’s thus-far undisturbed waste. Building 400-foot luxury towers where the height limit is 200 ft., with a density three times the maximum currently permitted, will require pilings driven into the encapsulated material that could poison wealthy people living in the planned luxury apartments, damage nearby coral and ocean, and harm the aquifer that’s our drinking water source. Sea rise and king tides also threaten any Kakaako makai project. At a minimum, a full enviromental study should be made before rescinding the current restrictions. Anything less undermines public faith in the legislature's actions and the good faith of OHA.

Thank you for considering my testimony and mahalo for your service.

Richard Tillotson



**SB-736**

Submitted on: 2/6/2023 10:07:31 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
David Chee	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB736. Please keep oceanfront land for everyone to enjoy. High density condos can be built further inland. Kakaako does not need to become another Waikiki.

**SB-736**

Submitted on: 2/6/2023 10:20:50 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Maison Kaimiaina Hakikawa	Individual	Support	Written Testimony Only

Comments:

Aloha My Name is Maison Ka'imi'āina Hakikawa. I am born and raised here on O'ahu and a native Hawaiian. I am submitting testimony in hopes to get the chance to have a home of my own. My grandmother has been waiting on Hawaiian homes list now for many many many years now and I feel like her chance of getting her home will not happen in her life time. If my mother finally gets her chance to get Hawaiian home I unfortunately will not be able to inherit her home due to the blood count requirement. With that being said I am strongly in support of bills SB736 and HB270. SB736 and HB270 will finally allow OHA to realize the promised value of its land in Kaka'ako Makai, and allow the vision of Hakuone to move forward: a community geared toward loyal residents, infused with Hawaiian history, culture and values. Given everything that has already been conceded to outside developers and foreign investors, Hawaiians deserve the opportunity to use this land as they see fit, to create an open, accessible and sustainable local oasis in the heart of Honolulu. Please help me get the chance to have a home to finally call my own.

Mahalo for your time,

Maison Ka'imi'āina Hakikawa

**SB-736**

Submitted on: 2/6/2023 10:28:42 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dyson Chee	Individual	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to testify in opposition to SB736.

**SB-736**

Submitted on: 2/6/2023 10:31:39 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elizabeth Benyshek	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I am writing to strongly oppose SB736, which would grant exceptions to the residential ban in Kaka'ako Makai. This area has been protected by the community for years from development, and this community has to fight the same fight every single year. Enough is enough. This area is one of the last parcels of undeveloped oceanfront land, and it needs to be preserved. Thank you for your time and consideration.

Elizabeth Benyshek

Chair, Surfrider Foundation O'ahu Chapter

**SB-736**

Submitted on: 2/6/2023 10:45:36 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Leon Ajoste	Individual	Support	Written Testimony Only

Comments:

I am a native hawaiian student at mickinley high school and i am concerned first that there is life out there that i would attend college,afford to be creative afford rentals and creation for me as i can iamgine i can explain to end vaping,cigarettes and the flavor of tobacco products from all of the worlds cut carbon dioxide gas prices,saveing oceans and wildlifes,stop deforestation and change non renewable energy into renewable energy like solar wind and water,afford homeless pepole to make better homes and hope for earth a better future

**SB-736**

Submitted on: 2/6/2023 10:43:41 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nathan,Mateo-Ruaboro	Individual	Oppose	Written Testimony Only

Comments:

I am a native hawaiian student of mckinley high school who is concern, first when i graduate in may and attend community collage,will afortable rentals be available for me and other native hawaiian students? The office of hawaiian affairs should be taking care of our kapuna's and younger generations with having affortable rentals here in Honolulu.

Asking to have the zoning code to be raised it will take away the opeing spcae on the makai side or kakako side. Families use the open space for recreation

Comunties members, preserve open space for public use and vote down the bill.

**SB-736**

Submitted on: 2/6/2023 11:49:17 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jeanine & Robert Goldman	Individual	Comments	Written Testimony Only

Comments:

The Hawai'ian shorelines should be protected for the citizens of Hawai'i, visitors and future generations.

February 6, 2023

SENATE COMMITTEES ON  
WATER AND LAND AND HAWAIIAN AFFAIRS

February 8, 2023

1:05 PM

S.B. No. 736

Relating to Lift Residential Restriction  
on Makai Shoreline

Testimony of **Jason T. Okuhama**

Aloha Chair Inouye, Chair Shimabukuro and Members of Both Committees:

It is with disappointment that there is a need to provide written testimony before the Senate Committee on Water/Land and Hawaiian Affairs **against** SB No. 736, A Bill to Lift Residential Restriction On Makai Shoreline.

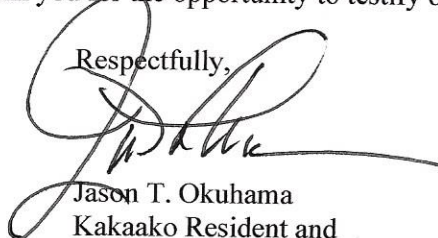
I am a resident of Kakaako, and it is very disconcerting that we need to, again, fight to stop high-rise residential development by OHA on their Kakaako Makai lands. Back in 2006, with strong public opposition to the Kakaako Makai development plan, the State Legislature passed HRS 206E-31.59(2) prohibiting any residential development Makai of Ala Moana Boulevard between Kewalo Basin and the Foreign Trade Zone. That should have been the end to the debate of high-rise residential development in Kakaako Makai.

Kakaako Makai is the last undeveloped public shoreline in urban Honolulu and should not be developed with 400-foot high-rise residential towers. This coastline is irreplaceable and must remain open to free public access to be shared by all communities and visitors in Hawaii. The impact of the suggested developments will end up restricting public access to the coastline.

OHA's Kakaako Makai lands sits within a very toxic and contaminated landfill of ash, unburned refuse, lead, arsenic, asbestos, PCBs and other deadly chemicals. In 1997, the EPA funded the State Department of Health to move forward with a brownfields study of this area and found it to be highly toxic and seriously contaminated. Residents in Kakaako Makai would face exposure to these contaminants and the landfill itself may be unstable.

I am strongly against S.B. No. 736 and thank you for the opportunity to testify on this matter.

Respectfully,



Jason T. Okuhama  
Kakaako Resident and  
Former HCDA Board Member  
415 South Street, Apt 1004  
Honolulu, HI 96813



**SB-736**

Submitted on: 2/6/2023 12:18:46 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lopaka Purdy	Individual	Support	Written Testimony Only

Comments:

As a Kanaka Maoli, born and raised in Kailua/Waimanalo, I am strongly supporting the vision set forth in this bill to establish a culturally-centered Hawaii'an place of learning, being and growing. The Native Hawaiian people can benefit from a place that is culturally their own - a place where our culture can be perpetuated on our own terms and in our own ways.

**SB-736**

Submitted on: 2/6/2023 12:49:14 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
ROBERT DUERR	Individual	Comments	Written Testimony Only

Comments:

Once again the State of Hawaii has given the Hawaiians a bad deal. The state should take the contaminated land back and pay the Hawaiian people the settlement value of the land with fees and damages.

This is from Hawaii's Thousand Friends: "Unfortunately, Kakaako Makai is highly contaminated:

- Between 1913 and 1927 a seawall was constructed, using fill which included municipal ash, unburned refuse, construction and household trash, automobile batteries and unknown refuse. This sort of fill could be unstable and cause harm to people living on top of it.
- EPA identified Kakaako Makai as a “brownfield,” which is an area where development may be complicated by the presence of a hazardous substance, pollutant, or contaminant.
- In 1997 the State Department of Health conducted a study of brownfields and found the area contained toxic ash from 2 waste incinerators that spewed high levels of lead, zinc, dioxins, mercury, silver, copper, asbestos, and arsenic.
- These toxins were spread as “fill” material, contaminating the surface and groundwater.
- Leaking underground petroleum storage tanks spread benzene, DDT, and PCBs from discarded transformers in various locations.

- Disturbance of the ground required for building foundations in fill material and other infrastructure could emit hazardous waste, affecting coastal ecosystems and exposing humans to possible exposure.
- Any change to current laws affecting Kaka`ako Makai could be detrimental to both human and marine life as well as to the natural environment.
- Precautions taken now may not withstand expected sea level rise, king tides, hurricanes, storm surges, tsunamis, and other hazards.
- Kewalo Basin and Mamala Bay support coral reefs, local bird populations and provide public recreational opportunities to locals and visitors."

**SB-736**

Submitted on: 2/6/2023 1:07:23 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tadia Rice	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support Native Hawaiians' right to create a community that's rooted in their culture.  
Please pass this Bill.

Mahalo

**SB-736**

Submitted on: 2/6/2023 1:30:57 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nina Reppun Carney	Individual	Oppose	Written Testimony Only

Comments:

In opposition to SB736 – residential development of Kakaako MaKai

Kakaako Makai must be saved from residential development. Please maintain the entire area as open park and coastline. Our public shoreline in town is scarce enough! The condo-canyon building on the mauka side of Ala Moana Blvd has sadly become so congested as to make the whole area a place to avoid. That in itself is enough “testimony” to oppose SB736. Mahalo in advance.

**SB-736**

Submitted on: 2/6/2023 1:49:10 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Monte McComber	Individual	Support	Written Testimony Only

Comments:

Aloha. I support SB736 because of the need for affordable housing and because this type of development was envisioned at the outset of the Kakaako settlement between the state and OHA. The fact that elected officials have to date prevented citizens from becoming home owners is sad and tragic. Please correct this. Please put people into homes that they can afford. Mahalo.

**SB-736**

Submitted on: 2/6/2023 2:23:32 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dawn Morais Webster Ph.D.	Individual	Support	Written Testimony Only

Comments:

All the speeches we hear made about understanding the rights of Native Hawaiians and the obligations the state has to them are hollow unless this bill is moved forward to passage without delay. As someone who moved here 20 plus years ago, I feel it is my duty to support this effort. It is a matter of acknowledging that Native Hawaiians have the right to make decisions about how they develop their own lands. In this case, lifting the residential restrictions will allow OHA to help contribute to addressing the growing challenge of houselessness particularly amongst Native Hawaiians. It should be a matter of great embarrassment to the state that the indigenous people of these islands have had to wait years for justice. Denying them the right to build on land given to them in settlement of a long overdue debt is just not pono. How can we have one set of laws for developers on the mauka side of Ala Moana and another for OHA just across the street? OHA's plans as reflected in [www.hakuone.com](http://www.hakuone.com) reflect the desire to bring back the Hawaiian community of old, to welcome back Hawaiians to the "sands of their birth." The establishment of a Hawaiian Cultural Center and the support for small businessness and artisans and performers as well as the creation of kupuna and keiki day care services and holistic healing services will make this a true kipuka where Hawaiians can live, work and play as they once did. One third of the OHA lands in Kaka'ako Makai will be reserved for parks. There will be multiple access points to the ocean despite deliberate mis-information suggesting otherwise. All will be welcome. Hawaiians have been very patient and have suffered long enough. Justice demands that they be free to make decisions that will address their needs and position them for better lives than most enjoy today. As someone who is grateful to have been able to make a home here, I strongly support this bill that attempts to right one of the many wrongs suffered by Hawaiians. Please move this bill forward. Mahalo nui.

**SB-736**

Submitted on: 2/6/2023 2:54:23 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mackenzie Manning	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB736. Sea level is rising and will already tax our infrastructure especially our underground sewage systems. I know we have a housing crisis but this parcel of land should not be developed for housing purposes only to become inundated with seawater in a few decades. Keep Kaka'ako Makai open for public use! Don't allow OHA to build residential properties with special exemptions on this parcel of land. Taxpayers will foot the bill while developers prosper all for what? It's just not worth it.



**SB-736**

Submitted on: 2/6/2023 3:21:49 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sampson	Individual	Oppose	Written Testimony Only

Comments:

Aloha committee members I strongly oppose residential development in Kakaako Makai

mahalo

**SB-736**

Submitted on: 2/6/2023 3:25:35 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Katherine Dean	Individual	Oppose	Written Testimony Only

Comments:

Thank you for this opportunity to comment on the proposed legislation SB736. OHA is asking for changes to the rules for building on the Kakaako Makai lands they currently control. OHA knew of the restrictions on this land when they agreed to accept it as payment from the State. Once again OHA is asking for changes to the restrictions on this land. This land formerly was a dump. It should not be used for high-rise development. Please do not allow SB736 to pass. Please vote in opposition to this bill.

Thank you.

**SB-736**

Submitted on: 2/6/2023 4:04:46 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Camille Rios	Individual	Support	Written Testimony Only

Comments:

My name is Camille Rios and I strongly support SB736 and HB270. I am a resident of Ewa Beach/ Puuloa. I am native Hawaiian. I support the native Hawaiian people. SB736 and HB270 will finally allow OHA to realize the promised value of its land in Kaka`ako Makai, and allow the vision of Hakuone to move forward: a community geared toward local residents, infused with Hawaiian history, culture, and values.

**SB-736**

Submitted on: 2/6/2023 4:13:54 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
WANDA K ANAE-ONISHI	Individual	Support	Written Testimony Only

Comments:

Dear WTL and HWN Committees,

I am Wanda Anae-Onishi, resident of Waikele, Oahu and native Hawaiian. I am testifying in support of SB736, Relating to Housing. Hakuone is long overdue. We Kanaka Oihi need a place that is of, for and by native Hawaiians to practice our culture and values unfettered by non Hawaiian practices. Through this space, we can educate everyone about the richness of Hawaiian culture and values on Hawaiian soil. Thus changing the colonized ways many of us Kanaka grew up in. I urge you to support SB736 to continue the great strides the State Legislature made last session to correct the inequities we faced in the past. Mahalo for allowing me to testify.

Respectfully,

Wanda Anae-Onishi

**SB-736**

Submitted on: 2/6/2023 4:31:08 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
sandra moneymaker	Individual	Oppose	Written Testimony Only

Comments:

I am a Hawaii resident since 1966 and I strongly oppose this bil,SB736. I believe that native Hawaiians can generate funds and benefit from those funds without building more condos Kakaako Makai. The residential density of Kakaako is already stretched to the max with presently approved condo developments. I believe the Honolulu oceanfront must be preserved for free, public access. Private development is just that private, not public. Developments such as an aquarium, shoreline promenade, farmers market, aquaculture operations, continued operation of the marine lab or other cultural usage is appropriate and can generate income for OHA. Exempting OHA from current laws would be special treatment of OHA and establish precedent for other developments. Additionally, housing built on the landfill could be hazardous to residents, reefs & costal ecosystems. We must also consider any developement in light of the fact that it is in a tsunami evacuation area and subject to the effects of future climate change .

It is for these reasons I oppose any changes to the current law.

Thank you for your consideration.

**SB-736**

Submitted on: 2/6/2023 4:43:24 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jason Sakai	Individual	Oppose	Written Testimony Only

Comments:

Honorable Legislators,

I am born and raised in Hawaii, I am 65yrs old and of Japanese descent. My wife, children and grandson all live here and are of Hawaiian descent.

I went to Roosevelt HS and have frequented the Kakaako Area almost all my life. We DO NOT need more residential high rises in Kakaako Makai.

My family and I have always supported Hawaiian/Local movements that limit over development of our precious lands. Like Mauna Kea and Waimanalo! It's ironic we're fighting OHA who wants to build, in an area that's already inundated with high rises? Did you know that OHA supported "non-residential" during the first opposition against HCDA/A &B, back in 2005?

If the residential laws is repealed will KS be allowed to build another 6 x 40 story condos?

Will acces become like Ko Olina?

How will OHA provide truly "affordable housing"?

Will the State/Tax Payer pay for the soil removal in the "brown fields"?

Please don't betray the people like Gov Abercrombie did. Please restore our faith in the government that should do what's best for ALL the people of Hawaii.

Respectfully

Jason Sakai

February 8, 2023

The Honorable Lorraine R. Inouye, Chair  
Senate Committee on Water and Land  
And

The Honorable Maile S.L. Shimabukuro, Chair  
Senate Committee on Hawaiian Affairs  
415 South Beretania Street  
Honolulu, HI 96813

Testimony in opposition to S.B. 736 Relating to Housing

To oppose Senate Bill 736 makes it seem that I am against all housing related projects. That is not the case. I am against this proposal which would allow residential development on nine parcels in Kakaako Makai.

In 2006, six years before the land was conveyed to the Office of Hawaiian Affairs (OHA), legislation was passed prohibiting any residential development makai of Ala Moana Blvd. between Kewalo Basin and the Foreign Trade Zone. One impetus to enact this legislation was the result of a development plan proposed by A&B. That plan included 950 residential units in three 20-story towers, retail and dining spaces, and an amphitheater. The proposal met with strong public opposition.

In 2012, OHA accepted the land to partially satisfy a ceded land dispute even knowing the prohibitions attached, yet here we are in 2023 once again having to fight to keep residential development out of Kakaako Makai.

There are many social and environmental reasons that development in Kakaako Makai should not be permitted which I hope this committee will discuss in depth. For example, the land sits on contaminated fill, and a study found that some locations contained transformers filled with PCBs, lead, zinc, dioxins, mercury and more. Some of you might remember Love Canal near Niagara Falls which also had been built near a landfill. Exposure of contaminants dumped there made the area unstable and unhealthy.

Other important environmental considerations include disruption to the coral reefs and local birds not to mention residents. In addition, how will this area withstand sea level rise, king tides, hurricanes, storm surges, etc.?

Passing SB 736 would likely have long term detrimental effects on people, animals, and the natural environment. I urge you to hold this bill until its effects can be thoroughly studied.

Mahalo,

Mary Steiner

**SB-736**

Submitted on: 2/6/2023 7:25:26 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Myron E Sato	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB736. The land is toxic and the health of our citizens should be the highest priority.



**SB-736**

Submitted on: 2/6/2023 8:11:49 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kanani KealohaFaleafine	Individual	Support	Written Testimony Only

Comments:

These lands were returned to the the Native Hawaiians to allow the community to continue their right to determine their future. The current restrictions limit OHA's ability to fully realize the potential of these lands. The surrounding area is full of housing developments, and these lands should not have restrictions while other developers are free to build Luxury housing that is not intended for residents of Oahu.

The ability to provide affordable housing and an area where the Hawaiian culture can begin to take root and thrive is a positive thing for our state. Please support this bill.

**SB-736**

Submitted on: 2/6/2023 8:14:23 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Madeline C Neely	Individual	Support	Written Testimony Only

Comments:

I strongly believe since these parcels were conveyed to the Office of Hawaiian Affairs in 2012 to help improve the betterment of the lahui seems to be another aggrieve injustice done to the Native Hawaiian. Please do the right thing by supporting SB736.

Mahalo,

Madeline Neely

Kaaawa, HI 96730

**SB-736**

Submitted on: 2/6/2023 9:48:24 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Pualeilani Kamahoahoa	Individual	Support	Written Testimony Only

Comments:

Aloha. My name is Pualeilani Kamahoahoa. My family and I are residents of Kaka'ako. I am also a proud Native Hawaiian. I strongly support SB736 and HB270 because FINALLY it will give my ohana and I the community that celebrates and values Kaka'ako. SB736 and HB270 will allow OHA stewardship to the promised land of Kaka'ako Makai. Fellow Native Hawaiians and I will finally be given the opportunity to live and thrive in land that honor our history, culture and values. I truly believe that OHA will give what is owed and desired to our people. As a resident, its overbearing and saddening to watch as development is growing around me, that will never benefit the needs of myself or my children. People are already shocked that we are Kaka'ako residents, as a Hawaiian Family. Do we not deserve it? Foreign entities flaunt their perspective (of no true understanding).... amongst the congested high rise. It breaks my heart to see our people never acknowledged beyond a Building name in Hawaiian or Hawai'i entertainment fueled to amuse only visitors and foreign investors. I pray for a community that care for one another beyond the confinements of their condo high rise. I pray for the lands of my Kupuna that worked together in purpose, good intention and aloha. Kaka'ako Makai is promised land, please give that vision to the future of our families and generations to come... Mahalo piha.

**SB-736**

Submitted on: 2/6/2023 9:52:58 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alexis Brissette	Individual	Oppose	Written Testimony Only

Comments:

Oppose. Concerns about the development of Kakaao Makai and how it fits into OHAs long term goals. Development of this area is to the detriment of an important shared community space.

**SB-736**

Submitted on: 2/6/2023 10:03:51 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Neal R Morisato	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB 736 and, in particular, removing the current restriction of residential housing in Kakaako makai.

Once you convert these valuable public lands into residential properties, you have permanently exempted all other possible uses. And if you are concerned that only rich people live mauka, I submit that it is especially unlikely that these makai properties will truly be “affordable.”

It is time to stop selling off public lands to the exclusive few who can most afford it.

I fully support using these jewels of Honolulu’s core to create a Hawaiian sense of place and developing venues for concerts, shops, art centers, eateries, and cultural gathering places. There is just so much potential to create an environment that benefits all people for perpetuity.

Using our vision and creativity, we must strive for more than just selling off the best of Hawaii for short-term financial gains. I support keeping Kakaako Makai permanently in the public hands for all the people.

Mahalo

**SB-736**

Submitted on: 2/6/2023 10:08:03 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Gamble	Individual	Oppose	Written Testimony Only

Comments:

Aloha--

There are times for urgency in action, and times to wait and consider the circumstance for more time. I think the case for opening up the makai side of Kakaako is the latter. There are already **numerous** luxury developments going in throughout the Ward and Kakaako areas. Do we need to develop this area too at this time? It obviously has high potential for scenic views and will demand a premium, so developers are undoubtedly excited at the prospect of building high rises there.

But perhaps we can take some time and fully consider the options for the area and for the complexion of Honolulu, which is quickly becoming inundated with high rise developments. Are there other uses that would better suit the inhabitants of Honolulu? Does every lot with a potential view *need* to be developed into a high rise? High rise buildings are extremely permanent, and once they are put up, forever define the space they are in. Perhaps there was a reason why legislation exists to **not** build high rises there, and the legislators of City and County can revisit that rationale.

At this time, I oppose using the nine lots identified for high rise construction, not because something better has been identified to be built in this space, but because I think the potential development is permanent and more deliberation and conversations should be had before we have sky scrapers in every inch of air space.

Mahalo,

Paul Gamble

Honolulu

Testimony of Malia Tsuchiya  
Before the Hawaii State Legislature  
Honolulu, Hawaii  
Feb. 06, 2023

Committee on Water and Land  
Committee on Hawaiian Affairs  
1:05 PM  
VIA VIDEOCONFERENCE  
Conference Room 229  
State Capitol  
415 South Beretania Street

**SB 736**

**Report Title:**

Hawaii Community Development Authority; Office of Hawaiian Affairs; Residential Development; Kakaako Makai; Appropriation

**IN FAVOR**

Aloha e Chair Inouye, Chair Shimabukuro, Vice Chair Elefante, Vice Chair Fevella and honored committee members,

It is with great respect that I humbly request your favorable vote on SB 736. As a Native Hawaiian and mother of five it is with honor and duty that I stand in strong support of SB 736. SB 736 will allow the State of Hawaii to support OHA's mission to empower, educate and economically stabilize the Native Hawaiian population.

Since the Constitutional Convention of 1978 great strides have been made through the dedicated help of our legislators to help advance the wellness of our Native Hawaiian people. However, we will soon be approaching 50 years since the passing of the constitution and there is still much work to be done.

Through your dedicated support of SB 736 the next generation of Native Hawaiians can come closer to realizing their potential and excelling as an indigenous people. The world is changing rapidly and without the ability to presently capitalize on economic opportunity and to build upon the foundations of our predecessors we may be wasting valuable time that cannot be restored. It is time that OHA be allowed to maximize its opportunities in Kaka'ako Makai through conscientious, culturally bound development.

Kaka'ako has undergone so much development, funded in large part by outside investors and foreign companies who have no indigenous connection to lands they are developing. Your support of SB 736 will allow OHA to bring Hawaiian culture and values to Kaka'ako in a way that meaningful and relevant. More than that, supporting SB 736 will allow you as a legislator,

to play a key role in helping to restore and elevate the wellness and advancement of our indigenous people while enhancing the cultural presence within the Kaka'ako area. Please vote **IN FAVOR OF SB 736.**

Thank you for your time and consideration.

E Mālama Pono.

Respectfully,  
Malia Tsuchiya



2023-02-07  
Kēhau Cortez-Camero  
Native Hawaiian  
1483 Pukana Place  
Hilo, HI 96720  
tcortezcamero@gmail.com

Before the  
Senate Committee on Water and Land  
and  
Senate Committee on Hawaiian Affairs  
February 8, 2023 at 1:05pm  
CCR 229

SB736  
RELATING TO HOUSING.

Chair Inouye, Chair Shimabukuro, Vice Chair Elefante, Vice Chair Fevella and Members of the Committee on Water and Land and Committee on Hawaiian Affairs:

On behalf of [Company or Organization Name] and myself, I am submitting this testimony in **STRONG SUPPORT** of SB736, relating to housing.

I am not alone. Nearly eight in ten O‘ahu voters support or strongly support the Office Hawaiian Affairs (OHA) plan to restore and create a new community in Hakuone, 30 acres of land in Kaka‘ako makai where native Hawaiians once lived, worked, and played.

The land was conveyed to OHA in 2012 in a settlement with the state over unpaid Public Land Trust funds. The state said the settlement was worth \$200 million, but that figure assumed that OHA would be able to include housing in its plan. Indeed, the negotiations that led to the settlement made clear that additional legislation would be brought forward to lift restrictions on residential development.

Those measures never materialized, leaving untenable strings attached to the historic deal.

Voters broadly believe that OHA should be able to use the land how it sees fit, including for housing: 64 percent of voters said they support repealing the housing restriction. We wholeheartedly agree.

The Hawaiian people are owed the right to create a community that matters to their people and their culture. And unlike the heavy development rising across the street for the past decade, we should prioritize building for locals and Native Hawaiians rather than foreign and out-of-state investors.

Hakuone will improve the quality of life for locals and Native Hawaiians: a source of abundance and pride for our lāhui, and a place that embodies a Hawaiian national identity while defining and maintaining a Hawaiian sense of place for the families and people who live here. Hakuone will be a cultural gathering place, a kīpuka—an oasis—for the Hawaiian community in urban Honolulu.

Hawaii's leaders and lawmakers have made significant strides in recent years to make up for past injustices and provide more robust resources and support for our indigenous peoples. Further, coming out of the pandemic, it is clear that the needs and dreams of our local people should be of paramount priority in planning for the future.

I urge you to pass SB736 and finally clear the way for OHA and its partners to build a special community gathering place that welcomes all people, from keiki to kupuna, and honors its historic sense of place, Hawaiian cultural values, and our unique island lifestyle for present and future generations.

**SB-736**

Submitted on: 2/6/2023 10:47:21 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Zaralyn Aki	Individual	Support	Written Testimony Only

Comments:

I am submitting this testimony in **STRONG SUPPORT** of SB736, relating to housing. I am not alone. Nearly eight in ten O‘ahu voters support or strongly support the Office Hawaiian Affairs (OHA) plan to restore and create a new community in Hakuone, 30 acres of land in Kaka‘ako makai where native Hawaiians once lived, worked, and played.

The land was conveyed to OHA in 2012 in a settlement with the state over unpaid Public Land Trust funds. The state said the settlement was worth \$200 million, but that figure assumed that OHA would be able to include housing in its plan. Indeed, the negotiations that led to the settlement made clear that additional legislation would be brought forward to lift restrictions on residential development.

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Hakuone will improve the quality of life for locals and Native Hawaiians: a source of abundance and pride for our lāhui, and a place that embodies a Hawaiian national identity while defining and maintaining a Hawaiian sense of place for the families and people who live here. Hakuone will be a cultural gathering place, a kīpuka—an oasis—for the Hawaiian community in urban Honolulu.

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historic sense of place, Hawaiian cultural values, and our unique island lifestyle for present and future generations.

**SB-736**

Submitted on: 2/6/2023 11:04:42 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alexander K.D. McNicoll	Individual	Support	Written Testimony Only

Comments:

I am in **strong support** of **SB736**.

**SB-736**

Submitted on: 2/6/2023 11:14:52 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christina Holcom	Individual	Oppose	Written Testimony Only

Comments:

I am concerned about the development of Kaka'ako Makai and how it fits into OHAs long term goals. Development of this area is to the detriment of an important shared community space.

**SB-736**

Submitted on: 2/6/2023 11:37:45 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kai Morrell	Individual	Support	Written Testimony Only

Comments:

My name is Kai Morrell and I strongly support SB736 and HB270. I am a resident of Kaka‘ako and I am native Hawaiian and I want to see OHA given every opportunity to develop it's land in my community. I look out on the OHA lots every day and I cannot wait to see them transformed in to a thriving kaiaulu for our lāhui! As a native Hawaiian living in Kaka‘ako I often feel disconnected from my people. Seldom do I meet people in my building in Kaka‘ako who grew up in Hawaii. Many of them have been here for only a few years or aren't here full time. It can be isolating. The vision of Hakuone gives me hope for a space where native Hawaiians can thrive in my community. SB736 and HB270 will finally allow OHA to realize the promised value of its land in Kaka‘ako Makai, and allow the vision of Hakuone to move forward: a community geared toward local residents, infused with Hawaiian history, culture and values. Hakuone is an opportunity to make Kaka'ako feel like home for Hawaiians. Given everything that has already been conceded to outside developers and foreign investors, Hawaiians deserve the opportunity to use this land as we see fit.

Land used to pay a debt to Hawaiians should not come with strings attached. OHA knows what the Hawaiian community needs and should be allowed to fulfill their mission to empower Hawaiians and strengthen Hawaii. All Hawai`i is unified in recognizing the need for more housing. Native Hawaiians are being disproportionately displaced by the high cost of living in their own homeland. Hakuone will offer a full spectrum of housing options, including affordable and workforce housing, to allow our people to live and thrive on the `āina. As a native Hawaiian living in reserve housing, I can tell you that having affordable housing options in Honolulu is a game changer. It allows me to be close to work and part of a vibrant neighborhood with amazing restaurants and a fabulous farmers market. If all affordable housing, and Native Hawaiian housing, continues to be placed distant communities, then locals and Native Hawaiians will continue to bare the economic and social burdens of long commutes and underdeveloped neighborhoods. “Live, work, play” should be a reality for kama‘āina, not just wealthy new-arrivals.

The heart of any community is its people. To realize the full “live, work, play” vision of Hakuone, people must be able to live there. The law that bans residential development in Kaka‘ako makai must be repealed. Residential units were key to the \$200 million valuation of the land and are critical to ensure Hakuone is sustainable and successful. This is an issue of social and economic justice. OHA deserves the full value of the land and kama‘āina deserve the opportunity to live in Kaka‘ako.

I hope you will consider these perspectives. We don't need more NIMBYism in Hawaii. We need more thoughtful development that keeps the values and needs of the people in mind. Hakuone can serve as a model for this new type of development. So, as a resident of Kaka'ako, I say, "YES! In my back yard!" Yes, to turning parking lots into cultural plazas! Yes, to creating housing for locals! Yes, to allowing Hakuone to make a home for Hawaiians in Kaka'ako. Yes, to SB736!

Me ka ha'aha'a,

Kai



**SB-736**

Submitted on: 2/6/2023 11:59:01 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sharlene Chun Lum	Individual	Support	Written Testimony Only

Comments:

COMMITTEE ON WATER AND LAND

Senator Lorraine R. Inouye, Chair

Senator Brandon J.C. Elefante, Vice Chair

COMMITTEE ON HAWAIIAN AFFAIRS

Senator Maile S.L. Shimabukuro, Chair

Senator Kurt Fevella, Vice Chair

Testimony for SB 736 Relating to Housing

February 8, 2023

Aloha Committee Chairs Inouye and Shimabukuro, and committee members of Water and Land and Hawaiian Affairs,

I am a native Hawaiian kupuna asking for your support in passing SB 736. I was fortunate to be educated with funds still in private Hawaiian hands as Bernice Pauahi Bishop's lands were not a

part of government Crown Lands swept up by the illegal government. In my former work at Kamehameha Schools in the community and later at Papa Ola Lokahi, I served the needs of the community, many times in partnership with OHA. As a docent at Iolani Palace, I tell the story to guests about the illegal overthrow of our nation and our beloved Queen Liliuokalani, whose statue stands just beyond these chambers. Moreover, I feel fortunate to be a home owner living in Halawa and understand the daunting challenges many people—young and old-- face in finding safe, affordable housing to live and raise their families.

I strongly support of SB 736, which:

*Allows the Hawai'i Community Development Authority to approve the residential development on the nine parcels conveyed to the Office of Hawaiian Affairs pursuant to Act 15, Session Laws of Hawai'i 2012. Raises the building height limit and increases the maximum floor area ratio for residential development on three of the nine parcels. Exempts the residential developments on the nine parcels from the requirement to dedicate public facilities of land or facilities, or cash payments in lieu thereof, as a condition of development; the prohibition on sale or assignment of fee simple interest in land in the Kakaako Community Development District; and the prohibition on residential development in the Kakaako Makai area. Appropriates funds for repairs of certain structures located on the nine parcels and for compensation relating to the Office of Hawaiian Affairs' pro rata portion of income and proceeds from the public land trust.*

I encourage all citizens of Hawaii to read this bill so they will have a better understanding of the history and precedents for these actions. Providing OHA with the means to responsibly utilize its private lands addresses generational wrongs while promoting avenues for OHA to provide more opportunities for citizens of Hawaii, beyond the personal preference of those who would oppose this bill.

For those who say, OHA should have known better, I would like to point out that, in 2012, the State presented OHA with the value for the settlement based upon its appraiser, the Hallstrom Group, assuming OHA could build to the 400 ft level on Parcels E and I adjacent to Ala Moana Blvd. The State assessed the value of the Kaka'ako Makai lands by assuming a 400-foot height limit for Parcels E and I, which far exceeds the current allowable heights for these parcels and represented that the laws would be changed. However, more than 10 years have passed and the Legislature has yet to change the laws to allow OHA the ability to fully utilized the lands that were have as a "fair trade." Was this just "shibai" or bad faith to the detriment of the Hawaiian people?

Passing SB 736 is a step forward in making that exchange pono. The new Legislature and new Administration will demonstrate good faith to address the debt long-owed to Native Hawaiians by dealing fairly with OHA. Without the funding that is rightfully owed to OHA, the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians, the needs of our Hawaiian people will continue to be unjustly underfunded.

Passing SB 736 allows the State to make whole its representation to OHA and to provide more affordable housing at ranges even lower than what is required of other developers. When the State conveyed these Kaka'ako Makai lands as payment to OHA in 2012, they became Native

Hawaiian trust lands not "public lands." Like any other landowner, OHA must have the opportunity to determine the responsible use of their own lands. In this case, OHA has plans, not for private gain such as seen by Howard Hughes and other developers, but for the betterment of the Hawaiian people through programs and services as well as the community at large.

Please vote yes for SB 736 now. We've waited far too long.

Me ka ha`aha`a,

Sharlene Chun-Lum

**SB-736**

Submitted on: 2/7/2023 4:39:43 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom a Kanaka Maoli.

I'm writing in SUPPORT of SB736.

me ke aloha 'āina,

Nanea Lo, Mō'ili'ili

**SB-736**

Submitted on: 2/7/2023 6:24:05 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lance T. Iwami	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. I would like to preserve the open areas for the people of Hawaii to enjoy including myself, my family and friends. We have too much development going on and not enough open areas to enjoy the beach and the ocean

Thank you.

**SB-736**

Submitted on: 2/7/2023 6:31:46 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sharlyn Sato	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB736. Land is contaminated. We don't need another incidence like Red Hill.

**SB-736**

Submitted on: 2/7/2023 6:33:22 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
kerry yoneshige	Individual	Oppose	Written Testimony Only

Comments:

Oppose for the following reasons:

1. High rise buildings will add to the concrete jungle from Waikiki to Honolulu Harbor blocking the remiaing view of the mountains from the ocean for our future generations.
2. OHA received the land in "as is" condition from the State in 2012. They should not be compensated for infrasturcture repairs. As a buyer, they had the responsibility to conduct their own due diligence prior to aceptance. Taxpayers should not foot the bill for OHA's oversight.
3. OHA had the responsibility to conduct a review of the valuation of the proprerty prior to transfer. In commercial real estate and business acquisition transactions, buyers have the responsilbity to conduct their own due diligence to validate the purchase price. OHA's failure to validate the property valuation should not be a reason to seek exemption from the ban on residential construction at Kakaako Makai and receive financial compensation.
4. At the time of transfer in 2012, OHA was aware of the ban on residential construction at Kakaako Makai and should have required that the legislation to transfer the parcels, include an exemption from residential construction ban.

Thank you for the opportunity to submit written testimony.

**SB-736**

Submitted on: 2/7/2023 7:35:33 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lionel Ortiz	Individual	Support	Written Testimony Only

Comments:

My name is Lionel Ortiz and I strongly support SB736 and HB270. I am a resident of Kaneohe, Oahu and I am a native Hawaiian. SB736 and HB270 will finally allow OHA to realize the promised value of its land in Kaka`ako Makai, and allow the vision of Hakuone to move forward: a community geared toward local residents, infused with Hawaiian history, culture, and values. Given everything that has already been conceded to outside developers and foreign investors, Hawaiians deserve the opportunity to use this land as they see fit, to create an open, accessible, and sustainable local oasis in the heart of Honolulu.



**SB-736**

Submitted on: 2/7/2023 7:37:05 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bradford Baang	Individual	Support	Written Testimony Only

Comments:

Aloha. I'm asking for your support. All of Hawai'i is today unified in recognizing the need for more housing. Native Hawaiians are being disproportionately displaced by the high cost of living in their own homeland. Hakuone will offer a full spectrum of housing options, including affordable and workforce housing, to allow our people to live and thrive on the `aina. Mahalo.

**SB-736**

Submitted on: 2/7/2023 7:41:18 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Philip Kitamura	Individual	Oppose	Written Testimony Only

Comments:

Oppose. Concerns about the development of Kakaao Makai and how it fits into OHAs long term goals. High density residential development of this area is to the detriment to this important shared community space.

**SB-736**

Submitted on: 2/7/2023 7:43:22 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mark Saito	Individual	Support	Written Testimony Only

Comments:

I vote in favor of supporting SB736.

**SB-736**

Submitted on: 2/7/2023 8:05:59 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alohi Chong	Individual	Oppose	Written Testimony Only

Comments:

Concerns about the development of Kakaao Makai and how it fits into OHAs long term goals. Development of this area is to the detriment of an important shared community space.

**SB-736**

Submitted on: 2/7/2023 8:30:43 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Reyn Kaupiko	Individual	Support	Written Testimony Only

Comments:

Hawaiian Affairs Committee Members,

Thank you for taking the time to hear this bill.

My name is Reyn Kaupiko, I am a resident of Senate District 10, and am in strong support of SB736 and HB270.

Although, I am not a resident of the immediate surrounding area of Kakaako this place does hold a signifigance in my life and my families life. For generations my family would frequent the area both the ocean and the park, and now I do the same for my children.

I find this bill critically important for the Native Hawaiian community. This bill gives the SOH the oppurutnity to respectfully allow the NH community a place without unnessecary constriants to develop for self empowerment. I understand the plans OHA has are not finalized but the choice of how they move to purpose this property should not be a factor of the success of this bill.

It would be a shame if this bill does not turn into law.

Thank you for your time,

Reyn Kaupiko

**SB-736**

Submitted on: 2/7/2023 8:52:02 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alana Bryant	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Alana Bryant and I oppose SB736. I strongly oppose OHA's Hakuone plan to build 400-foot residential towers on its Kakaako Makai parcels. Do not lift the prohibition against residential development in this area. Do not increase the height allowance. They were put in place for a reason. We live on an island that is a finite resource. The solution to the housing problem is not to develop every last possible piece of land, including brownfields (like this one), to the detriment of our public resources and environment. We have seen it time and time again. This development would be another sad failure; and we would be left still looking for answers to our housing problem. Please do not pass this bill. It is a disservice to the people who would live there, and a disservice to everyone who already uses and enjoys Kakaako Makai.

Thank you.

**SB-736**

Submitted on: 2/7/2023 9:52:17 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
stephanie ho	Individual	Oppose	Written Testimony Only

Comments:

I do not support increasing the height limits on future buildings in kakaako. There are already a lot of buildings and more going up soon. The ones that currently exist are not affordable for locals and it is hard to believe that any new structures will be either. Many of them have law suits in fact. There is definitely a huge disparity with native Hawaiians and I fully support helping that community but I don't see building high rises as the answer. There needs to be more transparency on the plans and how this will actually be affordable for native Hawaiians.

**SB-736**

Submitted on: 2/7/2023 10:32:17 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Martha Moses	Individual	Oppose	Written Testimony Only

Comments:

I believe that passing this bill will cause problems with the residents as they don't want to cause more problems that will affect those who live in Hawaii as there are a lot of Hawaiians losing their homes because of the increase of costs and rent.



**SB-736**

Submitted on: 2/7/2023 10:33:28 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bryan Mick	Individual	Oppose	Written Testimony Only

Comments:

I appreciate OHA's desire to increase revenue and service their constituents, such as my son. But blighting the shoreline like this, especially when we have a rising sea level crisis, is not the way. The State should swap some development ready land with them, and put these parcels into a state park like the Ka Iwi coastline is.

**SB-736**

Submitted on: 2/7/2023 10:35:33 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sean H Ishii	Individual	Support	Written Testimony Only

Comments:

I believe that housing is an important issue we face in Hawaii. Also, limiting the sprawl that has destroyed the Ewa plain. We should be building in town. Also, if the new building benefits OHA and the Hawaiian people all the better. I support allowing OHA to build 400ft in Kakaako Makai.

**SB-736**

Submitted on: 2/7/2023 10:36:54 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Diann Karin Lynn	Individual	Comments	Written Testimony Only

Comments:

I very much support the ability of OHA to build residential in Kaka'ako Makai, but NOT to include the egregious height-variation exceptions (to 400') which are so, SO far over zoning regulations. ZONING HEIGHT (and to an extent density) RESTRICTIONS HAVE BEEN CAREFULLY ENACTED for a myriad of reasons. Like the Kuilei project in Mō'ili'ili, strong opposition to projects grossly exceeding height limits does *not* mean opposition to affordable housing or a limited number of exceptions which do not create permanent damage to the community. The State should bend over backwards to fulfil the intent of transfer of this Kaka'ako Makai land, but *not* to include excessive waivers to *necessary urban limits*.

**SB-736**

Submitted on: 2/7/2023 10:39:23 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
elijah	Individual	Oppose	Written Testimony Only

Comments:

ALOHA

**I am elijah , a student at McKinley High School writing in support of HB551, which prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free. I want to help people to get home to pay and work. Poor people try to get home and work to help. They need to stop increasing the money because the people can't pay for their home. It is sad for them so we need to support Hawaii to help the people to school,home,and food stores.**

**SB-736**

Submitted on: 2/7/2023 10:57:33 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert B Huber	Individual	Comments	Written Testimony Only

Comments:

Our priority should be a moritorium on any new large residential developments in Metro . Our water supply has been reduced by 20% due to permanant closure of two (2) wells and more to come with benzene been found in Moanalua Valley as well . WE DON'T HAVE THE WATER to support new development . This should be our #1 priority along with impact fees supporting any new development to Metro Honolulu .

**SB-736**

Submitted on: 2/7/2023 10:58:13 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tuan Pham	Individual	Oppose	Written Testimony Only

Comments:

Aloha Committee Members,

As a concerned citizen- I am respectfully opposing SB736. There are several reasons of concern:

1. Unsustainable Enviromental impact of more developement
2. Unaffordable buildings for the community of Hawaii
3. Overcrowding- beach parks are then no longer for the community of Hawaii.
4. Skyline of mauka continues to disappear. Hawaii is becoming no longer Hawaii.

Thank you for consideration.

Tuan Pham

**SB-736**

Submitted on: 2/7/2023 11:05:33 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert Finley	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I have no opposition to housing but am concerned about the reported condition of the land proposed for use in future high rise housing. Without doing proper land preparation prior to building the health and safety of any residents, especially children, would be threatened. Our past ignorance of toxic waste disposal is understandable but certainly we do not want to create a major health problem for future generations with this bill.

**SB-736**

Submitted on: 2/7/2023 11:07:22 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ian Custino	Individual	Support	Written Testimony Only

Comments:

Aloha mai kakou,

I fully support OHA's Hakuone project and SB736. OHA should be allowed to develop much needed residential density on its land.

As a voter, member of my neighborhood board (NHB#10 Makiki/Tantalus/Punchbowl) and an active member of the community, OHA's Hakuone project is exactly the kind of project our community needs and is asking form.

We are all acutely aware of the extreme housing crisis in Hawai'i. The community is crying out for locally focused, affordable housing AND a return of local communities in the urban core. Hakuone will not only increase the affordable housing inventory, but will provide a uniquely Native Hawaiian and local community that is lacking in Kaka'ako.

Mahalo,

Ian Keali'i Custino

Punchbowl Hawai'i



**SB-736**

Submitted on: 2/7/2023 11:12:32 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elizabeth Nelson	Individual	Oppose	Written Testimony Only

Comments:

Kakaako Makai is Honolulu's last open public shoreline. I agree with Gov. Waihee's vision of this key piece held in perpetuity for our l"lei of green" from Diamond Head to Honolulu Harbor.

This area is landfill and building these towers will require pilings driven into the encapsulated material that could poison people, damage nearby coral and ocean and harm the aquifer that is our drinking source.

**SB-736**

Submitted on: 2/7/2023 11:27:44 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christine A Serafin-Clothier	Individual	Oppose	Written Testimony Only

Comments:

As a resident of the Kakaako area I am apposed to high rise development makai of Ala Moana Blvd on land that has an existing law not allowing this type of development.

We need to continue to developement of the "Lei of Parks" preserving the little green space we have adjacent to the ocean. Developers have raped enough of this perscious resource. We have a law in place that stops it. We need to uphold that law.

**SB-736**

Submitted on: 2/7/2023 11:58:38 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ken Barrow	Individual	Oppose	Written Testimony Only

Comments:

February 5, 2023

Ken Barrow

469 Ena Road #401

Honolulu, HI 96815

Dear Senators Lorraine R. Inouye, Brandon J. C. Elefante, Maile S. L. Shimabukuro, Kurt Fevella,

I strongly oppose the bill SB-736. I do not want Kaka'ako Makai to become another Waikiki. We have enough condominiums in the Kaka'ako area already. We need to keep this last oceanfront land accessible for public to enjoy.

Sincerely yours,

Ken Barrow

**SB-736**

Submitted on: 2/7/2023 12:02:32 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cedric Duarte	Individual	Support	Written Testimony Only

Comments:

My name is Cedric Duarte and I am a part Hawaiian who strongly supports SB736.

The passage of this measure will allow OHA to realize the promised \$200 Million value of the land in Kaka`ako Makai.

OHA should be afforded the freedom and flexibility to provide housing, provide access to the ocean, and generate revenue to serve its beneficiaries.

**SB-736**

Submitted on: 2/7/2023 12:02:47 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Todd Yoshizawa	Individual	Oppose	Written Testimony Only

Comments:

I do NOT support SB736

Every person and every organization needs to follow the laws and regulations set before us. The development and building regulations do many things that keep our people safe and maintain the look, feel, and charm of our neighborhoods. For those of us that understand how it would have an irreversible negative effect on our community, island, and state this issue is so very important.

This bill asks for MANY different exemptions to laws and regulations already set forth. It's obviously packaged to allow an organization to NOT follow the rules that were made to keep and preserve our community.

My concern with these exemptions:

- Residential development is not allowed. The area is for all people of Hawaii- once you allow private residents to take ownership you will lose that forever.
- Height limit and floor area- let's NOT make monster homes/condos in kakaako makai, set backs and height limits are regulated for many reasons. Sewage, parking, traffic, airspace, sea level rise, stability. It will make a dangerous environment for everyone and take away the charm that makes kakaako so inviting.
- Exemption from dedicating land and payment- the city and state can't keep up with its current repair of infrastructure. Developers utilizing this bill will add to the to-do list of the city and state. Additional residents will put a strain on the sidewalks, parks, and utilities in the area. They need to create public areas that will relieve the strain put upon the city and state(who becomes responsible for the health, safety, and general welfare of these residents)
- Exemption of prohibition on sale or assignment of fee simple interest in land- we need to keep the land in kakaako makai from being sold. It will have irreversible effects. The area is for all people of Hawaii. Once you allow private residents to take ownership you will lose that forever.
- Exemption of the prohibition on residential development in the Kakaako Makai- it is not in the community's best interests to have residents living in kakaako makai. We all need to follow the rules and regulations.

Mahalo,

Todd Yoshizawa

**SB-736**

Submitted on: 2/7/2023 12:07:15 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gary Aki	Individual	Support	Written Testimony Only

Comments:

I support this bill. Please allow OHA to develop what they want in their own lands.

**SB-736**

Submitted on: 2/7/2023 12:07:53 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Teddi Anderson	Individual	Support	Written Testimony Only

Comments:

As a widow of a Hawaiian man born before Hawaii became a state, hanai daughter of Sam “Steamboat” Mokuahi, Jr., and a citizen of Hawaii since 1989, I am submitting this testimony in **TOTAL SUPPORT** of **SB376** relating to Housing.

I encourage Hawaii’s leaders and lawmakers to continue to make informed decisions that benefit Native Hawaiians and locals alike. When Hawaiians thrive, everyone in Hawaii does.

The passage of SB376 is another step in the right direction. OHA should be afforded the same rights as land owners mauka of Ala Moana and be allowed to build a community with resources for native Hawaiians, such as kupuna and keiki care, cultural center and public access along with housing that locals can actually afford -- OHA's plan has more public access to the ocean (11 points) than currently exists.

OHA will better the condition of the parcels, which were transferred in deplorable condition. Kakaako was a dumping ground.

Please support lifting restrictions on the land now owned by the Office of Hawaiian Affairs in Kaka`ako (makai) recently named Hakuone. Hawaiians, the original stewards of the ocean and land of these islands should be allowed to improve and build a community and housing for Hawaiians and the local community.

OHA wishes to bring back Hawaiian families to Kaka`ako, back to the rich history of the area created by Hawaiians and fulfill its mission to provide resources for the betterment of its people. The residential restrictions must be lifted so that OHA can fulfill it's mission.

Thank you in advance for your consideration, and for moving this bill forward.



**SB-736**

Submitted on: 2/7/2023 12:10:34 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lamaku Aki	Individual	Support	Written Testimony Only

Comments:

Kokua au i kēia pila.

**SB-736**

Submitted on: 2/7/2023 12:19:57 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Roselani Oga	Individual	Support	Written Testimony Only

Comments:

Please move SB736 FORWARD and remove the restrictions that prevent us from developing something that will be so meaningful to the Hawaiian community. I am in total support of Hakuone.

Mahalo

Roselani Oga

**SB-736**

Submitted on: 2/7/2023 12:27:43 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Matsumoto	Individual	Support	Written Testimony Only

Comments:

I am in **STRONG SUPPORT** for SB736 and the Office of Hawaiian Affairs (OHA) plan to restore and create a new community in Hakuone, 30 acres of land in Kaka`ako makai where native Hawaiians once lived, worked, and played.

The land was conveyed to OHA in 2012 in a settlement with the state over unpaid Public Land Trust funds. The state said the settlement was worth \$200 million, but that figure assumed that OHA would be able to include housing in its plan. Indeed, the negotiations that led to the settlement made clear that additional legislation would be brought forward to lift restrictions on residential development.

Those measures never materialized, leaving untenable strings attached to the historic deal.

Voters broadly believe that OHA should be able to use the land how it sees fit, including for housing: 64 percent of voters said they support repealing the housing restriction. We wholeheartedly agree.

The Hawaiian people are owed the right to create a community that matters to their people and their culture. And unlike the heavy development rising across the street for the past decade, we should prioritize building for locals and Native Hawaiians rather than foreign and out-of-state investors.

Hawai`i's leaders and lawmakers have made significant strides in recent years to make up for past injustices and provide more robust resources and support for our indigenous peoples. Further, coming out of the pandemic, it is clear that the needs and dreams of our local people should be of paramount priority in planning for the future.

I strongly urge you to pass SB 736 and finally clear the way for OHA and its partners to build a special community gathering place that welcomes all people, from keiki to kupuna, and honors its historic sense of place, Hawaiian cultural values, and our unique island lifestyle for present and future generations.

**SB-736**

Submitted on: 2/7/2023 12:57:59 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Henry L. Lane Jr.	Individual	Support	Written Testimony Only

Comments:

I would like to see the height restriction removed for the kakaako making. Not only do we need small business to help hawaiians to strive but also to allow more opportunities for Hawaiians to learn and educate by having office space, cultural center and housing in which a building complex can offer. With height restrictions, it limits for advancement for native Hawaiians, so please allow to build up and not limit the potential of advancement for native Hawaiians by building a learning center, education and living for the people.

**SB-736**

Submitted on: 2/7/2023 1:03:39 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Katie Gallo	Individual	Support	Written Testimony Only

Comments:

My name is Katie Gallo and I STRONGLY support SB736 and HB270.

As a resident of this great state, I feel it is our responsibility to support the native Hawaiian people who have shaped this great land since the very beginning. SB736 and HB270 allows OHA to realize the promised value of its land in Kaka`ako Makai promised by our government years ago. The vision of Hakuone is to move the land in a better direction than what it is today - a wasteland. Hakuone will be a community geared toward local residents, infused with Hawaiian history, culture and values. It will be a gathering place for all to enjoy BUT the residential component is critical to this vision. Given everything that has already been conceded to outside developers and foreign investors, I feel that Hawaiians deserve the SAME opportunity to use this land as they see fit.

**SB-736**

Submitted on: 2/7/2023 1:07:17 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Webster	Individual	Support	Written Testimony Only

Comments:

Dear Chairman and Members

It is imperative that Hawaiians be allowed to build housing on land that they own. Please support this most important provision contained in SB 736. Thank you for advancing this bill.

Sincerely

John Webster

**SB-736**

Submitted on: 2/7/2023 1:15:40 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
mary drayer	Individual	Support	Written Testimony Only

Comments:

Residential housing is badly needed = please add a condition that creates rental units as well - and must be affordable to the lowest income segments of the LOCAL residents - over 30+ years Hawai'i permanent resident - Mahalo

**SB-736**

Submitted on: 2/7/2023 1:32:30 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kathleen Triolo	Individual	Oppose	Written Testimony Only

Comments:

As a 25 year resident of Honolulu, I've seen the dramatic change to the coastline around the island, particularly in Kakaako. With totally insufficient infrastructure and dire predictions of sea level rise, continued building in this area compromises everything we hold dear. Continuing to build on the coastline interrupts the natural flow of the ocean and causes further land erosion.

No matter how much affordable housing is provided, it is still out of the financial grasp, or luck of a lottery, for most. Waterfront property is inherently expensive which keeps young people out. Those who have always called Hawaii home, are making decisions about whether they can afford to stay in Hawaii.

With all this building, current and future, there will be no ocean view for anyone in 20 years. Then the lawsuits will come because the ground floors of these structures will be constantly flooding or under water.

Thank you,



**LATE**

**SB-736**

Submitted on: 2/7/2023 1:45:55 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Vincent Gallo	Individual	Support	Written Testimony Only

Comments:

My name is Vince and I strongly support SB736 and HB270. I am a resident of Kaneohe and I support the native Hawaiian people. SB736 and HB270 will finally allow OHA to realize the promised value of its land in Kaka`ako Makai, and allow the vision of Hakuone to move forward: a community geared toward local residents, infused with Hawaiian history, culture and values. Given everything that has already been conceded to outside developers and foreign investors, Hawaiians deserve the opportunity to use this land as they see fit, to create an open, accessible, and sustainable local oasis in the heart of Honolulu.

February 6, 2023

My name is Jo Ann Aulani Chang DDS and I strongly support SB736 and HB270. I am a resident of Nuuanu Valley and my dental practice is located on South King Street and Pensacola Street near the Kaiser clinic.

I am native Hawaiian and support the Native Hawaiian people and their cause to be able to do what they want with the land that is in this bill. My great-great grandmother was of 100% Hawaiian blood from Niihau.

SB736 and HB270 will finally allow OHA to realize the promised value of its land in Kaka'ako Makai, and allow the vision of Hakuone to move forward: a community geared toward local residents, infused with Hawaiian history, culture and values. Given everything that has already been conceded to outside developers and foreign investors, Hawaiians deserve the opportunity to use this land as they see fit, to create an open, accessible, and sustainable local oasis in the heart of Honolulu.

OHA needed to accept as part of the deal from the Legislature to take 31 acres of state-owned land in the area in lieu of \$200 million representing a partial settlement for ceded-land revenues the state owes OHA in 2012.

In 2006, a ban on residential use in Kakaako Makai was established and that ban should be terminated. For all the land that was taken away from the Hawaiian people it is only just and right they are allowed to do what they want with the land and to make homes for the Hawaiian people who are now being pushed away to live on the mainland where they can afford a place to buy and call their own.

The Native Indians got reparations from the US government and have

gotten money and land to live on and make casinos to bring in revenue for their people and . The Hakuone land was given to Hawaiians with restrictions so how can they make use of the land. This is crazy that you allow the big companies like Howard Hughes to build luxury condominiums which the average Hawaii resident cannot afford to purchase.

The state and all the elected officials in government owes it to the Hawaiian people to finally do right by them by supporting SB736 and HB270.

Sincerely,

A handwritten signature in black ink, appearing to read "Jo Ann Aulani Chang". The signature is fluid and cursive, with a large initial "J" and "A".

Jo Ann Aulani Chang DDS

**SB-736**

Submitted on: 2/7/2023 2:31:10 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dr.David Davis	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB 736 because the impact of the current development by the Hughes corporation is not yet determined and will not be determined for a years. Furthermore the rail project it may impinge on this neighborhood. I think this proposal should be defeated at the present time. More high density residential development in this neighborhood could be a very regrettable mistake that can't be undone. I believe the original zoning was wise and should be maintained.

**SB-736**

Submitted on: 2/7/2023 2:39:20 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dennis Rose	Individual	Support	Written Testimony Only

Comments:

My name is Dennis Rose and I strongly support SB736 and HB270. I am a resident of Senate District 12, which includes Kaka`ako, and I am Native Hawaiian. SB736 and HB270 will finally allow OHA to realize the promised value of its land in Kaka`ako Makai, and allow the vision of Hakuone to move forward. Given everything that has already been conceded to outside developers and foreign investors, Hawaiians deserve the opportunity to use this land as they see fit, to create an open, accessible, and sustainable local oasis in the heart of Honolulu.

**SB-736**

Submitted on: 2/7/2023 2:39:49 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dawn Steavens	Individual	Support	Written Testimony Only

Comments:

Dear Sir/Mam,

I am in **STRONG SUPPORT** of SB736. This effort is very positive and beneficial for OHA and Hawaii State to fulfill their responsibilities. The changes being requested in SB736 are **NEEDED** for this project and are **GOOD**. Therefore, I humbly ask all decision makers to please **SUPPORT & APPROVE** SB736 today.

Best Regards,

Dawn Steavens

**SB-736**

Submitted on: 2/7/2023 2:40:07 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lois Langham	Individual	Oppose	Written Testimony Only

Comments:

No! Enough! How much can a small island take! It would be an eyesore and detrimental to the environment. Not there...ever.

**SB-736**

Submitted on: 2/7/2023 2:51:49 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Toni Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Toni Eaton and I strongly support SB736 and HB270. I am Native Hawaiian, therefore, I understand the need for affordable housing for Native Hawaiians. Native Hawaiians are being disproportionately priced out of homes on our native lands. Developers have no interest in developing affordable housing for Native Hawaiians. OHA has a constitutional mandate to further the betterment of Native Hawaiian people. This bill will allow OHA to fulfill its constitutional obligation by allowing the development of residential housing for the Native Hawaiian people.



**SB-736**

Submitted on: 2/7/2023 3:09:33 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Pamela Carey-Goo	Individual	Oppose	Written Testimony Only

Comments:

I stongly oppose SB736. The area with the current allowed condos and constructions already provides a dense population. I feel increasing the number of people occupying this area will cause congestion affecting the area negatively. It is important to have space on the waterfront and nearby for all to utilize. Preventing congested traffic conditions is also an important consideration.

**SB-736**

Submitted on: 2/7/2023 3:37:58 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alex Kagawa	Individual	Oppose	Written Testimony Only

Comments:

Kakaako makai is not real land. Give Hawaiians real land. The good land that the rich are buying up.

The next question the child should be asking after the parent responded, "That's not for us" is "why are there so many luxury condos being built?"

Don't bury Hawaiian culture under more condos. Revive Kakaako fish ponds and salt ponds. See and support Senate Bill 730.

**SB-736**

Submitted on: 2/7/2023 4:28:23 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Louise Stevens	Individual	Oppose	Written Testimony Only

Comments:

OHA wants to build luxury residential buildings on Kaka'ako Makai to raise money, not to provide affordable homes for the Hawaiian people. Our last open public shoreline in urban Honolulu needs to be for the use and enjoyment of everyone, not just wealthy investors.

**Eric Kaleolani Keawe**

2283 Tantalus Drive  
Honolulu, HI 96813

**Hawaiian Committee:** Chair, Maile Shimabokuro, Vice Chair, Kurt Fevella,  
Members: Les Ihara Jr., Jarette Keohokalole, Herbert M “Tim” Richards III.

**Water and Land Committee:** Chair, Inouye Lorraine R., Vice Chair, Brandon J.C.  
Elefante Jr., Members: Stanley Chang, Angus L. K. McKelvy, Kurt Fevella.

**RE: SB 736** A bill relating to housing.

Mana’o: Support

Aloha nui my legislature ohana:

I took the time to read the complete bill to it’s fullest. There is a lot of history of the past which helps one to understand the short comings of the State of Hawaii past legislative body through out it’s beginnings. Trust Lands that are poorly managed and records of misdeeds in financial obligations to the people of Hawaii collectively whether they are Indigenous or Malihini. WE ARE ALL IN.

Therefore, I stand in support of SB 736 because if we are seeking to be self sustaining we should be allotted every right to work the system that has already in place for the past 30 years. If tall residential high rises can invade the spaces from Kalakaua Ave. to Punchbowl St.. Why were we labeled “Hawaiians” unable to have residential areas in Kaka’ako Makai? I must remind everyone that this is everyone’s land, WE ARE ALL IN. It’s unfortunate that it’s considered a settlement for past due financial obligations. I don’t consider the settlement is over. There is more to what is owed to the people of Hawaii than this so called \$200,000,000 piece of degraded land that is polluted with chemicals. Therefore, every piece of item in this bill in reference for the State of Hawaii to pay to make this land reparable and income loss is necessary.

I have friends who sit on the other side objecting this bill, I sat with them the last time a bill was put through. But it left out the one important thing. Housing. I hope to see Kupuna Housing, a care home, Hawaiian Cultural Center where all the practices of our culture will be found in one building. From Farming, Fishing, Surfing, Family Services, Church, Health Care and Ho'oponopono. So many good things that will produce an economic engine for **everyone**, not only Hawaiians. I say to my friends, let's move forward together. The state can make their promises good by cleaning up the bad chemicals on the land. Not bury it as they did Kaka'ako Park. Let's holomua my friends and do something good for the aina.

My mother is Genoa Leilani Keawe was born at the Hustace Peck Stable Camp. It was located where Hawaiian Electric Building stands today. Her mother a single woman later moved with her siblings to Magoon Block around the corner from Kawaiaha'o church cemetery. She lived in Kaka'ako and went to Pohukaina School. She shared the stories of walking down the canal that leads to the ocean at Kaka'ako Park to swim in the ocean. She shared about her special events when on memorial day was a camp over and families brought food and bedding to stay overnight playing music.

There are more stories from many more families, in summary this is why it is important to have families back in Kaka'ako Makai where many families have special memories. We need the state to do their part to clean up the pollution buried there.

**SB-736**

Submitted on: 2/7/2023 5:07:45 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ahia Dye	Individual	Support	Written Testimony Only

Comments:

I support this bill.

**SB-736**

Submitted on: 2/7/2023 5:08:10 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Paula Aila	Individual	Support	Written Testimony Only

Comments:

In support

My name is Soulee Lester Kealohaonālani Stroud and I strongly support SB736 and HB270.

I am native Hawaiian born on Moku o Keawe.

I am currently a resident of Utah, and although I am not a resident of Hawai'i, I support along with my ohana that reside on Hawai'i, O'ahu, Molokai, and Maui Islands, the passage of these bills.

SB736 and HB270 will finally allow the Office of Hawaiian Affairs to realize the promised value of its land in Kaka`ako Makai, and allow the vision of Hakuone to move forward: a community geared toward local residents, infused with Hawaiian history, culture and values.

Given everything that has already been conceded to outside developers and foreign investors, Hawaiians deserve the opportunity to use this land as they see fit, to create an open, accessible, and sustainable local oasis in the heart of Honolulu.

Mahalo to this committee for hearing public testimony.



SENATE COMMITTEE ON WATER AND LAND  
SENATE COMMITTEE ON HAWAIIAN AFFAIRS  
JOINT HEARING

**LATE**

Wednesday, February 8, 2023  
1: 05 PM  
Conference Room 229

Testimony in Strong Opposition to Senate Bill 736

Aloha WTL Chair Inouye, HWN Chair Shimabukuro and Joint Committee Members:

As a community advocate who actively participated on the State-sanctioned Kaka'ako Makai Community Planning Advisory Council (CPAC) from 2006 through 2011, both as researcher of historic and environmental elements and CPAC secretary, I STRONGLY OPPOSE the continuous assault on Kaka'ako Makai to circumvent and virtually repeal its statutory protections.

**Statutory and Legislative Protections**

In 2006 the Hawaii State Legislature in their infinite wisdom adopted the important protective law under HRS [§206E-31.5](#) prohibiting “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.” (Emphasis added.)

Additionally, the Hawaii State Legislature adopted [HCR 30](#), concurrently by the House and Senate, calling for the Hawaii Community Development Authority (HCDA) to immediately rescind any contract or agreement with A&B Properties, and to convene a working group of interested stakeholders, particularly the groups and individuals that surfaced in this controversy, “to meaningfully participate in the development, acceptance and implementation of any future plans for the development of Kaka'ako Makai.”

It was then that the Kaka'ako Makai Community Planning Advisory Council was established by HCDA to regularly convene on the collaborative creation of the Kaka'ako Makai Master Plan with a clear Vision and comprehensive Guiding Principles.

In 2010, the Kaka'ako Makai Master Plan was approved and adopted by the HCDA.

Since then, contrary to the established Statutory and Legislative protections and flying in the face of the larger public interest to protect the lands of Kaka'ako Makai in the public trust as the last remaining Honolulu shoreline recreation area, continuous challenges have been aggressively and relentlessly mounted by residential development interests to repeal the Statute protecting Kaka'ako Makai from residential development.

**Toxic Land Use**

Honolulu's nearshore waters were filled to create the original Kaka'ako Makai industrial area comprised of industrial businesses, warehouses, and two industrial trash incinerator sites active for many decades. The incinerator sites produced toxic ash high in lead, arsenic, mercury, asbestos and other toxins, used as fill to build up the industrial area; petroleum tanks corroded by salty ground water leaked petroleum and benzene, discarded transformers leaked polychlorinated biphenyls (PCBs), and a pesticide mixing plant leaked DDT chlorinated hydrocarbons and other carcinogenic chemicals.

The Children's Discovery Center was **one of the two industrial incinerator sites**, and the former incinerator building remains historically preserved today with adaptive reuse. The makai shoreline hill beyond, known as "Methane Hill," was built with incinerator ash fill and pipes extending beyond the surface to release the methane gas continuously emanating from below the capped surface of the toxic fill.

The **second industrial incinerator site** was situated along the east side of Ahui Street near Kewalo Basin harbor, midway between Ilalo Street and Point Panic, imposing the same toxic conditions throughout the site and adding toxic ash fill to Methane Hill. The toxic conditions remain today at this harbor site slated for remedial redevelopment.

Throughout Kaka'ako Makai at various locations, the industrial toxins have been capped by two (2) feet of soil covered by vegetation, six (6) inches of gravel, or two (2) inches of asphalt. Heavy construction impacts of buildings supported by deeply drilled pilings and concrete foundations for residential towers extending to 400 feet in height, as presently proposed by the high-density mixed-use residential developer, will require enormous disturbance and excavation of the dormant toxic fill, resulting in today's recognized sinkholes and broken sewage and water infrastructure that would require digging into the previously undisturbed toxic fill to be replaced and repaired. Hazardous materials (HAZMAT) risks and the high costs to remediate the toxic sites that require digging under the remedial cap remain undetermined.

Toxic waste remains beneath Waterfront Park's large berms, where extensive impermeable membranes keep the public safe, and large structures are not permitted in these areas. But any sinkhole caused by nearby high-density construction above the underground streams, coral, and karsts would close the Park to myriad public recreational users, including surfers, fishers, divers, pedestrians and picnickers frequenting the scenic Park with cultural shoreline views makai to mauka.

## **Solution**

Those led astray by a previous governor who had a real deal for them are now victims of this charade and want to make the most of what they were handed without looking at the larger picture, spending millions of dollars on planning, promotion and public influence.

But there is a better way to achieve the objective and goals for needed local housing than building residential high-rises for wealthy tenants and owners at the expense of this last remaining public recreational shoreline that benefits the larger public.

Clearly, the State made a massive mistake by allowing a compensational gift of substandard land for the subject developer's mixed-use economic development and residential high-rise purposes prohibited by State Statute, and this truly warrants rectification. To accomplish this, the State, via the State Legislature, must right the wrong with just compensation of State lands to benefit those short-changed, and to now exchange such substandard development lands for State lands within established residential and mixed-use zoning areas to meet their needs and for true compensation.

The new Aloha Stadium redevelopment area is a prime location for this pivotal endeavor to solve the publicly controversial and highly disputed reversal of the intended public use of Kaka'ako Makai, by not repealing the protective State Statute and not violating the established planning policies and zoning regulations to spur the high-density residential development proposals presently promoted for Kaka'ako Makai.

It is past time for the State Legislature to take responsible measures to ensure the protection and perpetuation of Kaka'ako Makai as stipulated by State Statute and as intended by the adopted the Vision, Guiding Principles and Master Plan for Kaka'ako Makai in the greater public interest.

Mahalo for your serious consideration of the above and support for the Solution.

Michelle Matson

O'ahu Island Parks Conservancy  
Kaka'ako Makai Community Planning Advisory Council

**SB-736**

Submitted on: 2/7/2023 7:39:15 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Iris Sayegusa	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB736.

**LATE**

**SB-736**

Submitted on: 2/7/2023 7:46:40 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Yoshizawa	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB736.

**LATE**

**SB-736**

Submitted on: 2/7/2023 9:20:11 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Valerie Wayne	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. Kakaako is already full of luxury condos, and we don't need more built on this park. Since it was constructed over a landfill, there are risks to building anything there that requires deep pylons. Let's keep the park as it was originally intended according to existing laws.

**SB-736**

Submitted on: 2/7/2023 11:24:43 PM

Testimony for WTL on 2/8/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Keenan Yoshizawa	Individual	Oppose	Written Testimony Only

Comments:

Senate Committee on Water and Land

Senate Committee on Hawaiian Affairs

SENATOR LORRAINE R. INOUE, Chair

SENATOR MAILE S.L. SHIMABUKURO, Chair

**LATE**

February 7, 2023

Testimony in opposition to SB736.

My name is Keenan Yoshizawa and I am a high school senior testifying in opposition to SB736. Not only would this bill appropriate funds towards a project that would dramatically change the area of Kakaako, but it would also bypass existing laws that mandate the dedication of public facilities and allow the Office of Hawaiian Affairs to sell off the land to outside developers.

I have frequently visited the Kakaako area with my father since my childhood, surfing with my dad off of Kewalos. This development would continue the encroachment of high rise buildings in our local communities.

Unregulated development is what this bill would allow. The Office of Hawaiian Affairs would be selling the land to outside developers. OHA should not be selling the land if their goal is to support Native Hawaiians. While affordable housing is a critical issue in the state not only for Native Hawaiians, getting rid of building regulations is not the solution. Laws are not created for no reason, as all legislators should know, and this bill would move to disregard previous law in favor of outside developers more interested in turning a profit instead of creating affordable housing for Native Hawaiians. While there may be specific reasons for why some are in favor of disregarding building high laws or allowing OHA land to be sold off, there is no clear reasoning to me on why there should also be an exemption to the requirement to dedicate public facilities.

This means that there will be no compensation for the increased usage of streets, schools, parks, and utilities such as storm drainage, sewage, and water systems.

Overall, this bill would negatively impact the Kakaako area tremendously. Allowing outside developers to be permitted by the government to continue with unfettered development will spell the end to the local atmosphere that locals here have cherished for all their lives. It would also completely remove the state's ability to collect funds for public facilities from this development, public facilities that are necessary for the wellbeing of the community in Kakaako. Not only is this bill a loss for the state, it is also a loss for Native Hawaiians that OHA is mandated to support, it is a loss for the community in Kakaako which will be dramatically changed due to this unregulated development, it is a loss for the local people who have lived here and enjoyed the Kakaako area since childhood, like me and my dad.

Thank you to Senator Inouye and Senator Shimabukuro and all members of the Senate Committee on Water and Land and the Senate Committee on Hawaiian Affairs for your time and consideration. I hope that you will oppose SB736.



**SB-736**

Submitted on: 2/8/2023 4:22:06 AM

Testimony for WTL on 2/8/2023 1:05:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
JONATHAN LOTT	Individual	Oppose	Written Testimony Only

Comments:

Low rise residential would be OK, say under 100 feet with lots of public access, greenspace, parks, cultural features (e.g. Hula mound or stage, pavilions) not a massive parking lot or structure. High rise residential should be makai of Ala Moana if at all.

**LATE**

## Testimony Against SB736

A critical health and safety concern that SB736 should address that has often been overlooked is the existing “brownfield” (contaminated area) in Kaka’ako Makai and the extent of its subterranean contamination. The public and especially legislators should be made aware that towards the end of the 19<sup>th</sup> century, massive dredging and deepening of Kewalo Basin and Honolulu Harbor took place. This dredge material was used to back fill reefs, fishponds, and wetlands along the Kaka’ako coastline. Over time, with urbanization and industrialization in the Kaka’ako area, the filled lands in Kaka’ako Makai were utilized as a garbage dumpsite for community garbage-trash, scrap metal, incinerator ash, batteries, electrical waste, etc. Ground preparation for OHA’s proposed 200’-400’ high rise residential towers would require massive soil removal, disposal, and expensive decontamination of these sites for structural supports. Also, any excavation and ground disruption would increase the risk of leaching of these soluble toxic contaminants (e.g. heavy metals such as mercury and lead, pesticide-herbicide residues, asbestos, earth minerals such as arsenic, etc.) into the existing underlying aquifer, which could result in seepage and create a potential health hazard to nearby surrounding recreational waters of Kaka’ako Makai, Kewalo Basin, and Ala Moana Beach Park. Passage of this SB736 bill will unnecessarily put public health at risk. Red Hill contamination is bad enough, this legislature should not create another potential crisis!

Donna Lee (Sweetie) Kuehu B.S., M.S., Ph.D. Candidate  
Molecular Biosciences & Bioengineering  
University of Hawaii at Manoa  
University of Hawaii John A. Burns School of Medicine  
Biosciences Building, Suite 222B  
651 Ilalo Street, Honolulu, Hawaii 96813  
E-mail: [dkuehu@hawaii.edu](mailto:dkuehu@hawaii.edu)

The Hawaii Thirty-Second Legislature Regular Session of 2023

February 8, 2023

Senate Committees on S.B. No. 736  
Water and Land  
Hawaiian Affairs

House Committees on H.B. No. 270  
Water and Land  
Judiciary and Hawaiian Affairs  
Finance

Dear Honorable Members of the Thirty-Second Legislature,

My name is Sweetie Kuehu and I strongly support S.B. 736 and H.B. 270 to permit OHA's fulfillment of its mission in the development of Hakuone on the 'āina of Kaka'ako Makai. The residential units will support a growing number of kanaka 'oiwi as they fulfill their moe'uhane (dream) and kuleana (privilege) to provide medical care needed in our community. Right down the road in walking distance from this residential development is the University of Hawaii John A. Burns School of Medicine, where they will receive the education needed to build this biomedical workforce for today and the future needs. They will be received and well supported by the Native Hawaiian Health Department, the result of many years of leadership from kupuna such as Dr. Kekuni Blaisdell and many others who worked in preparation for their arrival. It is time for this legislation to act appropriately and pass S.B. No. 736 and H.B. No. 270.

Me ke Aloha,  
*Sweetie Kuehu*