

TESTIMONY
SB 2913
LATE

LATE TESTIMONY

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair
Senator Jill Tokuda, Vice Chair

Wednesday, February 24, 2010
Senate Conference Room 229
2:45 PM

SENATE BILL 2913

Relating to the Hawaii Community Development Authority

Testimony Submitted by Wayne Takamine

Aloha Chair Hee, Vice Chair Tokuda and Committee Members:

This testimony is in *strong support* of Senate Bill 2913. This measure requires the Hawaii Community Development Authority to ensure that the Kaka'ako Makai Master Plan remains a product of the community-based planning process.

As a member of the Kaka'ako Makai Community Planning Advisory Committee (CPAC), I have been involved with the Master Planning process for Kaka'ako Makai.

In 2009 the CPAC fulfilled its goal of creating the Kaka'ako Makai Vision and Guiding Principles as the basis for the new Kaka'ako Makai Master Plan. CPAC was also given status by the legislature as a requirement for HCDA to collaborate on all planning in Kaka'ako Makai.

Although the Kaka'ako Makai Master plan has been moving forward, there have been several issues that have surfaced that indicate HCDA is still planning void of CPAC collaboration. This includes the following:

On the John Dominis site, Ocean Investments has been planning a new Restaurant and Wedding Chapel concept. Ocean Investments made a presentation to CPAC to unveil their site plan and renderings. CPAC members were shocked when Ocean Investments revealed their concept design and site plan. There was a clear lack of community/public input for their plans. We later found out the HCDA had been advising Ocean Investments on the site design and giving their feedback on the design concept however, CPAC was not notified of this process and the design moved forward without public input.

After some research, CPAC was able to receive a copy of HCDA's review of Ocean Investments lease application. On it was a "Yes" and "No" check box next to a question, "CPAC Presentation". CPAC members were upset that after all the CPAC meeting, hearings, testimony, and laws created for community/public collaboration, the HCDA defines CPAC collaboration as just a "yes" check for a presentation.

In a follow up meeting with Ocean Investments, CPAC found more concerns with their design and compatibility with the concepts in the current master plan. We are now in the process of meeting with the Ocean Investment developers to see if there could be adjustments to their plan to include more input from the community. We are hopeful that this process will allow the Ocean Investments concept to become a better fit in the overall master plan that currently being developed.

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Another issue of planning is the Special Management Area (SMA) permit application by HCDA to asphalt pave a 7.5 acre parcel called the Piano Lot for private (retail automobile storage) parking and sub-contracted paid parking in Kaka'ako Makai. The subject property is located between the Children's Discovery Center/Gateway Park and Fisherman's Warf and was the site proposed for the A&B luxury condominium towers.

Many members of CPAC were appalled to see the design for a massive 7.5 acre asphalt parking lot (5 football fields) in one of the most scenic areas that is undeveloped in Honolulu. HCDA informed CPAC of the final 7.5 acre design plan for the SMA permit application a few weeks before the first hearing at the Office of Planning. This was not enough time for CPAC to give input to collaborate with HCDA to improve the design and concept. HCDA director Anthony Ching describes the 7.5 acre parking lot as "interim" and estimated that it would be give or take 5 years. Many members of CPAC were concerned because they have been involved with other "interim" projects and that have gone on for over 10 years!

Mr. Ching stated that the main reason to asphalt pave the entire 7.5 acre Piano Lot to deal with surface contamination in the area. However, site studies prepared by the Department of Health clearly show less than half of the lot requires remediation. DOH also outlined three acceptable types of media for remediation capping: 1) gravel ~ least expensive; 2) clean soil with vegetative cap (grass/trees/plants); and asphalt.

During a HCDA board meeting, a member of the board asked about the possibility of having a football field. Another board member replied that saying, "if we put grass, we will no longer be able to develop the area. The public will assume it is a park."

Mr. Ching said that the area can best be used as a parking lot however; CPAC believes there could be more alternative usage that would be consistent with Coastal Zone Management (CZM) rules and the Kaka'ako Makai Vision and Guiding Principles. One of the major comments on the 7.5 acre parking lot for fenced retail auto storage and sub-contracted paid parking is that it would limit public access to the area and would not preserve recreational spaces as required by CZM rules.

At this time, there is a request for contested case and all permits are pending.

Currently, CPAC is working towards developing alternative plans to resolve remediation requirements, have a sustainable budget and create usages for the Piano Lot that will allow for the public/community to gather and enjoyment the area. It is hoped that a combination of asphalt, gravel and grass with trees may be the best solution. At a recent CPAC meeting, Mr. Ching reported HCDA's willingness to discuss alternative uses on the Piano Lot however; it appears HCDA's position on 100% asphalt capping still holds.

The lack of collaboration in these two instances is cause for concern that the Kaka'ako Makai master plan may be void of sufficient public/community collaboration. In the end, it is the public that will have to live with HCDA's decision. Although CPAC is vigilant to see a fair and viable master plan, there will always be concerns that the HCDA will take the process to the back room and force their own agenda.

I believe that SB 2913 will improve public/community collaboration with HCDA in the Kaka'ako Makai master planning process and is a necessary step to create viable "Community Gathering Place".

SENATE COMMITTEE ON LAND, WATER, AGRICULTURE AND HAWAIIAN AFFAIRS

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

Wednesday, February 24, 2010
Senate Conference Room 229
2:45 PM

SENATE BILL 2913

Related to Hawaii Community Development Authority

Testimony submitted by Hawaii's Thousand Friends

Aloha Chair Hee, Vice Chair Tokuda and Land, Water, Agriculture and Hawaiian Affairs Committee members.

This testimony is respectfully submitted in STRONG SUPPORT to the present form of Senate Bill 2913 which requires the Hawaii Community Development Authority (HCDA) to ensure that the Kakaako Makai master plan remain a product of the community-based planning process. It is unfortunate that such legislation is necessary, but it is, and I urge support for this important affirmation of how the master planning process is to proceed.

More than \$750,000 in taxpayer funds, including a \$600,000 planning consultant contract, have been invested in developing the Master Plan for Kakaako Makai now underway. This master plan is founded on the community-based Vision and Guiding Principles developed for Kakaako Makai in the public interest by the Community Planning Advisory Council (CPAC) and accepted by the HCDA board of directors.

I have been a member of CPAC since its inception in 2007. I represent Hawaii's Thousand Friends and AIA Honolulu (American Institute of Architects, Hawaii Chapter) on the CPAC. I was also chair of the HCDA/Hawaii Society AIA design charrette at the State capitol in 1987.

It is vital that the master planning process for Kakaako Makai be comprehensive and community-based. Many committed and informed citizens have been involved in this community advisement process. Many citizens have brought their professional perspectives to the table to complement the ideas and arguments of the other community members. This work desires respect for its quality and for the vital commitment it represents.

Members of CPAC are concerned that near term decisions and development actions as a result of shortsighted economic interests may jeopardize Kakaako Makai's long term future per the comprehensive community-based master planning process.

We are most grateful therefore for the assurance built into Senate Bill 2913 and urge, as well, the inclusion of CPAC's Vision and Guiding Principles as a part of the legislation.

Mahalo for your continued support, for this hearing on this important legislation and for the opportunity to submit this testimony.

Sincerely,

Robert Crone, AIA
Architect
CPAC Member

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair
Senator Jill Tokuda, Vice Chair

2:45 PM

Tuesday, February 24, 2010
Conference Room 229

LATE TESTIMONY

Senate Bill 2913
Relating to the HCDA

Testimony submitted by
Bob Loy, Director of Environmental Programs,
The Outdoor Circle

This testimony is respectfully submitted in strong support of SB 2913

Since 2007, for three years, several dozen dedicated citizens and community stakeholders have met on the second Tuesday of every month to diligently work on the legislatively mandated Community Planning Advisory Council (CPAC). The Outdoor Circle is proud to be a charter member and active participant.

CPAC was charged with creating a vision and guiding principles for the upcoming Kakaako Makai master plan and it is clear that the legislature intended the work of the CPAC to guide the HCDA in future development of Kakaako Makai. Over the past three years it has become apparent that the HCDA has not committed to the collaborative process as envisioned in the statute.

While it is true that the HCDA established and has provided support for the CPAC, on substantive issues regarding Kaakako Makai, the relationship has been more adversarial than collaborative. I will be happy to provide specific examples of this relationship at your request. Consequently, many members of CPAC have little confidence that the results of our work will be the roadmap for HCDA and the mainland consultants it hired for the \$750,000 master planning process.

If it was the legislature's intent to create a community-based foundation for the future development of Kakaako Makai, then it is imperative that SB 2913 becomes law. It requires the HCDA to ensure that the master plan "remains a product of the community-based planning process..." and in doing so, ensuring that the future of Kakaako Makai is shaped by citizens.

Others might tell you how complicated this is, but its not. The legislature clearly intended that Kakaako Makai become a gathering place that springs from the hearts and minds of the people of Honolulu. But that won't happen unless this legislation becomes law and HCDA is statutorily forced to comply.

LATE TESTIMONY

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Wednesday, February 24, 2010
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2:45 PM

SENATE BILL 2913

Relating to the Hawaii Community Development Authority

Testimony Submitted by Michelle S. Matson

Aloha Chair Hee, Vice Chair Tokuda and Committee Members:

This testimony is in *strong support* of Senate Bill 2913. This measure requires the Hawaii Community Development Authority to ensure that the Kaka'ako Makai Master Plan remains a product of the community-based planning process.

Presently the Hawaii Community Development Authority (HCDA) is charged with the comprehensive master planning and redevelopment oversight of state lands in Kaka'ako Mauka and Kaka'ako Makai. The HCDA also has autonomous zoning and rulemaking powers apart from established Honolulu city and county zoning regulations and development plan policies.

However, despite Legislative advisories and enacted laws since 2006, this public agency has yet to demonstrate over the past several years that they have become educated in emerging from insulated operations, including political and special-interest cronyism, into contemporary community-based planning and open communications practices attuned to compatible and functional land uses in view of the public health, welfare and quality of life of the present population and future generations.

More than \$750,000 in taxpayer funds, including a \$600,000 planning consultant contract, have been invested in developing the Kaka'ako Makai Master Plan now underway. This Master Plan is founded on the community-based Vision and Guiding Principles for Kaka'ako Makai in the public interest. The Kaka'ako Makai Area is also part of the Hawaii Coastal Zone Shoreline Management Area subject to statutory reservation of public lands for shoreline recreation purposes.

The interested, affected and concerned public continues to ask, "Where is the Community in the Hawaii 'Community' Development Authority" and in what they do and represent as important for the future of Kaka'ako and the people of Honolulu? This is not a lightweight question.

The HCDA has proceeded to fly in the face of the established master planning process for Kaka'ako Makai by:

- A) Unilaterally deciding to pave over 7 1/2 acres of coastal zone shoreline management area using \$2.8 million in public monies to develop a "temporary" parking lot for 1,100 vehicles of undetermined origin other than storage of Downtown and Ala Moana auto dealer surplus sales stock. This use does not constitute a public benefit in accordance with Chapter 205A, HRS, which in the public interest protects, preserves and reserves for public recreation the coastal zone shoreline management area.

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In August 2009, without any collaboration or consultation in accordance with Act 144 legislated and enacted earlier in the year, the Kaka'ako Makai Community Planning Advisory Council (CPAC) was shown a single piece of paper illustrating the 7 ½-acre sea of asphalt with 1,100 parking spaces, and was informed that the Special Management Area permit hearing for the HCDA's development would be the following week.

- B) Separately consulting and collaborating with a private developer for redevelopment of leased State land within the prominent Point Panic area contiguous to Kewalo Basin channel, and restricting the CPAC to a single presentation in November 2009 upon completion of the proposed redevelopment plan to be submitted for HCDA development approval. Upon receiving this presentation, CPAC participants and members of the larger community – professionals, community leaders and residents alike - expressed extreme dismay and distain in reaction to a proposed twin-tower cathedral, a commercial wedding facility, looming 55 feet above the public shoreline view plane. Upon questioning, the developer's representatives confirmed that since 2007 they had been aware of the community-based master planning process underway for the Kaka'ako Makai area, including their leased State land on the shoreline.

Both the HCDA's and private developer's glaring absence of recognition, consideration and respect for the Vision and Guiding Principles for Kaka'ako Makai and master planning process, and indeed the fast-tracking of this segmented redevelopment proposal within the shoreline management area, demonstrate their intentional avoidance of completion of the Kaka'ako Makai Master Plan founded on the adopted Vision and Guiding Principles for Kaka'ako Makai.

The HCDA continues to demonstrate indifference to the time, talent, knowledge and expertise that the CPAC and larger community have committed and contributed to the master planning process for the future of Kaka'ako Makai:

- At recent CPAC and HCDA board meetings, an HCDA ex-officio board member has advocated a "flexible" product from this master plan process so changes can be made as they might happen to come along at any given time in the future.
- At the first public Kaka'ako Makai Master Plan workshop at the end of January, in response to a question about the HCDA's ultimate reliance on the community-based master plan for Kaka'ako Makai, the HCDA executive director made lengthy concluding comments indicating that that the HCDA board might consider a "preferred" master plan as well as other alternatives.
- At a February CPAC committee meeting an HCDA staff member's comments reflected the following:
 - Although a master plan is desired for the area, the (HCDA) board suggests more than one final plan
 - A range of concepts can be considered, however technical issues will need to be considered
 - Directions will be need be to given to the process to formulate the end result

Clearly the above circumstances convey the distinct message that the HCDA indeed may not follow the community-based Kaka'ako Makai Master Plan founded on the guidelines and policies of the Vision and Guiding Principles for Kaka'ako Makai. One need only consider the HCDA's history and track record specific to the HCDA's sister community-based master plan for Kaka'ako Mauka, which was modified by the HCDA after-the-fact upon completion and submittal

by the master plan consultant. Is this history intended to be repeated by the HCDA for the Kaka'ako Makai Master Plan - in their view a less than final plan?

Recommended Addition to this Measure

In addition to the protection and preservation of the community-based Kaka'ako Makai Master Plan slated to be in its final form within a few months, the protection and preservation of the Vision and Guiding Principles for Kaka'ako Makai, upon which the Master Plan is founded, should also be ensured by this measure. The continued absence of these essential protections will cause both the community-based Vision and Guiding Principles and the Master Plan for Kaka'ako Makai to remain vulnerable to outside special-interest pressures and influences opportunistically hosted by the HCDA and not aligned with the public interest.

Additional Separate Legislation is Needed

Additional protection is also suggested for a separate measure by transferring the functions of the Hawaii Community Development Authority to the Office of Planning, as a department independent of the faltering Department of Business, Economic Development and Tourism, to which both agencies are presently attached. With the statutory mandate of balancing community and economic needs with resource limitations and protections for comprehensive planning purposes, the Office of Planning should have the wherewithal to accomplish these objectives in the greater public interest by superseding the HCDA's stagnant planning practices, precluding political and corporate cronyism, and avoiding other such tendencies long embedded within the segmented autonomous planning and development agencies attached to the Department of Business, Economic Development and Tourism.

It would make sound fiscal and comprehensive planning sense to consolidate the overlapping functions and streamline the costs of these attached agencies, integrate contemporary community-based planning practices, restore qualified and experienced personnel, and provide state-of-art technology and resource support for the Office of Planning as an independent department so vital to Hawaii's comprehensive land use and shoreline resource planning.

Conclusion

Significantly, the legislature's findings reflected in legislation separate from this measure show that a reliable development process is predicated on having an approved master plan with public benefits in place prior to entering into development agreements. The legislature states that comprehensive master plans "are intended to create well-designed communities that improve the urban environment of Honolulu." This is clearly in concert with the community-based efforts invested in the Kaka'ako Makai Master Plan.

Senate Bill 2913 is vital to the future of Kaka'ako Makai because this measure seeks to correct the HCDA's misguided intent of an open-ended and unpredictable outcome for the "development, acceptance and implementation" of a community-based final master plan for Kaka'ako Makai in accordance with the HCR 30, 2006, legislative advisory and the purpose and intent of Act 144, 2009. Thank you for providing the opportunity to submit testimony on these significant issues in the public interest.

LATE TESTIMONY

From: Ron Iwami [ronald@kewalo.org]
Sent: Tuesday, February 23, 2010 8:59 PM
To: WTLTestimony
Subject: Testimony in Support of SB 2913 2/24/10 2:45 pm

To: Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice Chair

Date: Wednesday, February 24, 2010
Time: 2:45 pm
Place: Conference Room 229
State Capitol
415 South Beretania St.

TESTIMONY IN SUPPORT OF SB 2913

My name is Ron Iwami, I am testifying today as a citizen of Hawaii and on the behalf of Friends of Kewalos. Friends is a non profit organization made up of recreational users of the Kewalo/Kaka'ako area. I am also the Acting Chair of the Community Planning Advisory Council (CPAC) but am not testifying for the Council.

Friends and I are in full support of SB 2913 because it ensures that the People's voice will be heard by HCDA and be the foundation of the Kaka'ako Makai Master Plan through the Vision and Guiding Principles document. This document was produced by the CPAC and took 2 years of hard work. This bill will ensure that our hard work will be honored and used. We are presently working diligently with HCDA and the Design Consultants on the Master Plan. I am grateful to the Legislators for introducing this bill and supporting this community based planning process.

It is my hope that at the end of the day, Kaka'ako Makai will be a place that all of us can be proud of and this community based planning process will be a model for developing other areas of this State.

Power to the People,

Ron Iwami
President Friends of Kewalos
Manoa Valley resident

TESTIMONY
SB 2913
LATE
(END)