

MAR 12 2021

SENATE CONCURRENT RESOLUTION

REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO DISCUSS
FUTURE DEVELOPMENT PLANS IN KAKAAKO MAKAI INCLUDING
EXPLORING THE FEASIBILITY OF A LAND EXCHANGE OF CERTAIN
PARCELS OWNED BY THE OFFICE OF HAWAIIAN AFFAIRS IN THE
MAKAI AREA OF THE KAKAAKO DEVELOPMENT DISTRICT.

1 WHEREAS, pursuant to section 2 of Act 15, Session Laws of
2 Hawaii 2012 (Act 15), the fee simple interest in nine parcels of
3 land owned by the State was conveyed to the Office of Hawaiian
4 Affairs (OHA), effective as of July 1, 2012, subject to the
5 terms and conditions contained in Act 15 and the instruments
6 conveying title to those parcels; and
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8 WHEREAS, the nine parcels, commonly referred to as "Kakaako
9 Makai," are more fully described as follows:

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11 (1) TMK No. (1) 2-1-015:051;
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13 (2) TMK No. (1) 2-1-015:061;
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15 (3) TMK No. (1) 2-1-058:006;
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17 (4) TMK No. (1) 2-1-058:048;
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19 (5) TMK No. (1) 2-1-058:129;
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21 (6) TMK No. (1) 2-1-058:130;
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23 (7) TMK No. (1) 2-1-060:026;
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25 (8) TMK No. (1) 2-1-060:027; and
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27 (9) TMK No. (1) 2-1-060:028; and
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29 WHEREAS, in 2005, seven years prior to Kakaako Makai being
30 transferred to OHA in 2012, the Hawaii Community Development



1 Authority (HCDA) issued a request for a proposal to develop a
2 mixed-use residential project in Kakaako Makai but, subsequent
3 to the selection of a developer for the project, concerned
4 community members strongly opposed the development and the HCDA
5 eventually canceled the project; and
6

7 WHEREAS, in 2006, the Legislature, after considering strong
8 public opposition to the development of Kakaako Makai, enacted
9 section 206E-31.5, Hawaii Revised Statutes, which prohibits the
10 HCDA from approving "any plan or proposal for any residential
11 development in that portion of Kakaako community development
12 district makai of Ala Moana boulevard and between Kewalo Basin
13 and the foreign trade zone," an area that comprises the entirety
14 of Kakaako Makai; and
15

16 WHEREAS, in 2006 the Legislature also directed the HCDA to
17 convene an advisory working group (AWG) to create a Kakaako
18 Makai master plan; and
19

20 WHEREAS, the broad-based community advisory group included
21 representatives from OHA and over 200 other organizations and
22 individuals; and
23

24 WHEREAS, the AWG became the Kakaako Makai Community
25 Planning Advisory Council and worked together for five years and
26 in 2011 presented the Kakaako Makai Conceptual Master Plan
27 (Master Plan) to the HCDA which unanimously approved the plan;
28 and
29

30 WHEREAS, the Master Plan included projects such as a museum
31 for Hawaiian music and dance, a Hawaiian cultural center, and a
32 performing arts center; and
33

34 WHEREAS, the Master Plan also included the following
35 fourteen guiding principles for development of Kakaako Makai:
36

- 37 (1) Establish Kakaako Makai as a gathering place where
38 community and culture converge in response to the
39 natural scenic beauty of the green shoreline open
40 space;
41



- 1 (2) Base the framework for planning, decision-making, and
2 implementation of the Kakaako Makai master plan on
3 native Hawaiian values and traditional customary
4 rights and practices protected by the State;
5
- 6 (3) Protect, preserve, and perpetuate Kakaako Makai's open
7 view planes from the mountains to the sea as an
8 inherent value of the Hawaiian *ahupua'a* and an
9 important public asset for residents, visitors, and
10 future generations;
11
- 12 (4) Preserve, restore, and maintain Kakaako Makai's
13 valuable coastal and marine resources for present and
14 future generations;
15
- 16 (5) Ensure expansion of Kakaako Makai's shoreline parks as
17 significant landscaped open spaces joining the lei of
18 green parks extending from Diamond Head (Leahi) to
19 Aloha Tower;
20
- 21 (6) Provide open and full public access to recreational,
22 cultural, and educational activities within and around
23 Kakaako Makai's parks and ocean shoreline;
24
- 25 (7) Ensure that Kakaako Makai is a safe and secure place
26 for residents and visitors;
27
- 28 (8) Recognize and respect the effort and intent of the
29 Hawaii State Legislature to uphold the greater public
30 interest by ensuring and sustaining public uses on
31 Kakaako Makai state public lands for the greater
32 public good;
33
- 34 (9) Ensure that the Kewalo Basin Harbor's identity is
35 retained with continued small commercial fishing and
36 excursion boat uses, keiki fishing, marine
37 conservation, research and education, and accessible
38 open space expanding the lei of green between Ala
39 Moana Park and Kakaako Waterfront Park;
40
- 41 (10) Offer public enrichment opportunities through both
42 fixed and flexible cultural facilities that celebrate



1 the diverse cultures of Hawaii and blend compatibility
2 with the shoreline open space;

3
4 (11) Apportion a limited number of small local businesses
5 to assist in cooperatively sustaining Kakaako Makai's
6 public use facilities;

7
8 (12) Ensure that Kakaako Makai's public use facilities are
9 compatible in placement, architectural form, and
10 functional design within the landscape of the
11 shoreline gathering place;

12
13 (13) The Kakaako Makai Community Planning Advisory Council
14 places the public interest first and foremost, and
15 will strive to uphold the greater good of the
16 community in partnership with the HCDA as the public
17 oversight agency; and

18
19 (14) Assure and assist viable and sustainable operation of
20 public uses facilities on State public land in Kakaako
21 Makai through public/private partnerships and
22 501(c)(3) non-profit management similar to successful
23 park conservancies and their stewardship programs; and
24

25 WHEREAS, in 2012, Act 15 conveyed title to Kakaako Makai to
26 OHA and provided that Kakaako Makai shall remain, even after
27 conveyance to OHA, under the jurisdiction and authority of the
28 HCDA and therefore subject to the fourteen guiding principles;
29 and
30

31 WHEREAS, OHA has since come before the Legislature seeking
32 assistance for its proposal to develop residential high rise
33 buildings on its Kakaako Makai land for its highest and best use
34 to generate revenues to develop more programs, services, and
35 resources for the benefit of native Hawaiians; and
36

37 WHEREAS, although the highest and best use of Kakaako Makai
38 would include development of residential units, section 206E-
39 31.5, Hawaii Revised Statutes, specifically prohibits
40 residential development in Kakaako Makai; and
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1 WHEREAS, the development of land could result in generating
2 revenue that would enable OHA to develop more programs,
3 services, and resources for native Hawaiians; and
4

5 WHEREAS, OHA should have the opportunity to develop
6 unencumbered land for its highest and best use to generate
7 additional revenues for the benefit of native Hawaiians; and
8

9 WHEREAS, there exists public land of comparable value to
10 all or some portion of Kakaako Makai that is not encumbered with
11 statutory restrictions on development; and
12

13 WHEREAS, the Hawaii Community Development Authority is the
14 body corporate and public instrumentality of the State to
15 administer future planning of the Kakaako Community Development
16 District which includes Kakaako Makai; now, therefore,
17

18 BE IT RESOLVED by the Senate of the Thirty-first
19 Legislature of the State of Hawaii, Regular Session of 2021, the
20 House of Representatives concurring, that the Governor is
21 requested to convene a task force to discuss future development
22 plans in Kakaako Makai, including identifying public lands of
23 comparable value, suitable to the Office of Hawaiian Affairs,
24 for a possible land exchange for some or all of the nine parcels
25 that comprise Kakaako Makai; and
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27 BE IT FURTHER RESOLVED that the task force review the
28 Kakaako Makai Conceptual Master Plan, including its vision,
29 guiding principles, and recommendations, as well as the
30 proposals of Senate Bill No. 1334, Regular Session of 2021, and
31 strive to propose plans to develop Kakaako Makai in a way that
32 would satisfy interested parties for the best interest of the
33 public; and
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35 BE IT FURTHER RESOLVED that the task force is requested to
36 include the following members, or their designee:
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- 38 (1) The Executive Director of the Hawaii Community
39 Development Authority, who should serve as chair of
40 the task force;
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- 1 (2) The Chief Executive Officer of the Office of Hawaiian
- 2 Affairs;
- 3
- 4 (3) The Chairperson of the Board of Land and Natural
- 5 Resources;
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- 7 (4) One member of the Hawaii State Senate;
- 8
- 9 (5) One member of the Hawaii State House of
- 10 Representatives; and
- 11
- 12 (6) A representative of the Kakaako Makai Community
- 13 Planning Advisory Council; and
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15 BE IT FURTHER RESOLVED that the task force may invite
 16 additional experts or organizations to participate, including
 17 any state agency that owns public lands; and

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19 BE IT FURTHER RESOLVED that the task force is requested to
 20 submit a report of its findings and recommendations, including
 21 any proposed legislation, to the Legislature no later than
 22 twenty days prior to the convening of the Regular Session of
 23 2022; and

24

25 BE IT FURTHER RESOLVED that certified copies of this
 26 Concurrent Resolution be transmitted to the Governor, Executive
 27 Director of the Hawaii Community Development Authority,
 28 Chairperson of the Board of Land and Natural Resources, and
 29 Chief Executive Officer of the Office of Hawaiian Affairs.

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OFFERED BY: 

