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HAWAII NEWS

Kakaako Makai housing bill attracts a flood of testimony

By Andrew Gomes

Today • Last updated 11:07 p.m.

Editors' Picks Politics

JAMM AQUINO / JAQUINO@STARADVERTISER.COM

Office of Hawaiian Affairs board Chair Kai Kahele, right, met with members of the Save our Kakaako group prior to the start of a Senate hearing Wednesday at the state Capitol. The hearing was for Senate Bill 534, which would allow OHA to develop housing on land it owns in the Kakaako Makai sector.

A contentious bill to largely undo a state law prohibiting residential development on the peninsula in Kakaako drew almost two-thirds more support than opposition at an initial public hearing Wednesday.

Three Senate committees received nearly 400 pages of written testimony on Senate Bill 534, and after a three-hour hearing deferred a decision on the legislation until early next week.

About 140 individuals or organizations expressed support for SB 534, which was proposed by the state Office of Hawaiian Affairs to enhance the value and revenue-generating potential of land the agency owns in Kakaako, makai of Ala Moana Boulevard, subject to the existing ban.

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About 40 individuals or organizations opposed the bill.

Among supporters testifying in person was former Gov. Neil Abercrombie, who once opposed housing in the area known as Kakaako Makai.

"I've really come full circle now all the way with Kakaako Makai," he told about a dozen senators at the hearing at the state Capitol. "If we don't have housing in the urban core, if we do not make for housing in Kakaako Makai, what we're telling everybody is, 'you don't

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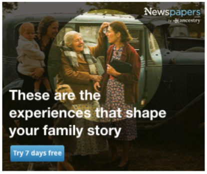
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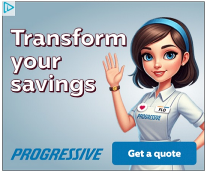

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Other supporters included Hawaii's biggest public worker unions, the state Department of Hawaiian Home Lands and Kamehameha Schools, which owns four large parcels that would gain entitlements to possibly build 400-foot residential towers if the bill as written becomes law.

Entities testifying against SB 534 included Life of the Land, Friends of Kewalos, Hawaii's Thousand Friends and a community advisory council that helped create a plan for desired uses on much of the peninsula before OHA acquired 31 acres there in 2012.

Ron Iwami, president of the Friends of Kewalos community organization, which helped persuade the Legislature to ban residential use on the peninsula in 2006, told senators Wednesday that the group doesn't oppose housing or OHA but wants to stand up for what he called a "landmark" law.

"We stand for protecting open spaces for Hawaii's future generations, and we've been doing this for 20 years," he said.

The 2006 law was enacted to block a private project on land then owned by the Hawaii Community Development Authority, a state agency that allowed residential use in Kakaako Makai under its zoning rules and had sought to enliven the largely blighted area by soliciting private development proposals providing public benefits.

HCDA picked a plan by Honolulu-based Alexander &Baldwin Inc. that included three condominium towers clustered on one inland lot, a hula amphitheater, restaurants, stores, a farmers market, a public waterfront promenade and a pedestrian bridge spanning the Kewalo Basin harbor channel.

In 2012, when Abercrombie was governor, OHA agreed to receive 31 acres valued at about $200 million from HCDA to partially settle claims against the state over unpaid revenue generated from former Hawaiian crown lands, referred to as ceded land.

OHA, a state agency created to better conditions for Native Hawaiians, later claimed that the land's value was worth far less and has repeatedly but unsuccessfully tried for over a decade to get the Legislature to reverse the housing ban for at least some of its land.

OHA's new plan seeks to permit residential use on five of its nine Kakaako Makai parcels, along with four blocks owned by Kamehameha Schools.

Two of these OHA parcels and all four Kamehameha Schools parcels fronting Ala Moana Boulevard are proposed for 400-foot building height limits, up from an existing 200-foot limit. OHA also is asking to amend the bill to increase density for buildings on these six parcels.

For the six parcels, OHA's bill would mandate that more than 50% of all resulting homes be reserved for Hawaii resident households that don't earn over 140% of Oahu's median income.

Furthermore, buyers of the reserved homes would have to be owner-occupants, and a preference would be given to those who work within 5 miles of the area in "essential" fields that include education, health care, law enforcement, hospitality and construction.

For the other three OHA parcels, the agency would like to be able to produce market-priced housing within existing height limits and for only Hawaii residents with an owner-occupant restriction, or perhaps a hotel or condo-hotel on one parcel. In all, OHA estimates that it could produce 1,000 to 2,000 new homes over a decade or so.

Kai Kahele, a former state and federal lawmaker who is OHA's board chair after being elected to the agency's board of trustees in August, has framed the proposal as helping the state end a chronic shortage of affordable housing for moderate-income households.

"This state is facing a crisis," he said at Wednesday's hearing. "Our workforce housing shortage is forcing locals and local families to leave. … We are not here to build housing for out-of-state investors."

Kahele said proceeds from market-priced housing would help fund OHA programs that benefit Hawaiians, and allow the agency to pay for other planned improvements on its Kakaako Makai lands, including a Hawaiian cultural center and public waterfront promenade along the Ewa edge of Kewalo Basin Small Boat Harbor.

The state Department of the Attorney General raised concerns about SB 534 running afoul of a provision in Hawaii's Constitution that requires the state to legislate over land under its control through general laws instead of special laws.

"An unconstitutional special law regulates specific parcels of land rather than land generally," the department said in written testimony. The department suggested ways to address the concern.

HCDA Executive Director Craig Nakamoto suggested that the Legislature give authority for

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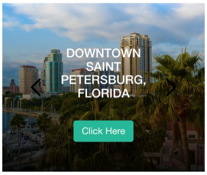

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determining appropriate Kakaako Makai land uses back to the agency, which employs planning experts and must hold public hearings for rule changes.

Since 1982 when HCDA was directed by the Legislature to govern development in Kakaako Makai, the agency changed its rules more than once to allow or not allow residential use in the area.

Much of the roughly 200-acre peninsula was created from fill as a city dump. Later the buried waste was consolidated and covered by HCDA to form the hilly Kakaako Waterfront Park. Surrounding commercial development has included warehouses, base yards, ship repair facilities, office buildings, restaurants, a children's museum and the University of Hawaii medical school.

Two senators during Wednesday's hearing, Sen. Kurt Fevella (R, Ewa Beach-Ocean Pointe-Iroquois Point) and Sen. Joy San Buenaventura (D, Puna), expressed some disdain for HCDA.

Fevella and San Buenaventura are among 11 senators who introduced SB 534 in the 25-member Senate.

The three Senate committees that heard the bill Wednesday were the Committee on Water and Land, the Committee on Hawaiian Affairs and the Committee on Housing.

In past years, the Senate has passed other OHA-backed bills to allow residential development on some of the agency's land in Kakaako Makai only to have those bills stall in the House, where they were opposed by then-Rep. Scott Saiki, who represented Kakaako and during that time was House speaker or majority leader with great power over bills.

Saiki lost his bid for reelection in August. This year, 18 representatives in the 51-member House have expressed early support for OHA's proposed legislation.

House Bill 605, which mirrors SB 543, is a priority for the bipartisan 13-member House Native Hawaiian Caucus, and five other representatives helped introduce the bill. A hearing has not yet been scheduled for HB 605.

At a Friday news conference, Rep. Daniel Holt, co-chair of the caucus, expressed optimism that there will no longer be a standstill in the House over such legislation.

"With new House leadership and with new leadership at the Office of Hawaiian Affairs, I really look forward to having productive, meaningful discussions to finally get this issue taken care of and this settled for the Hawaiian community," said Holt (D, Sand Island-Iwilei-Chinatown).

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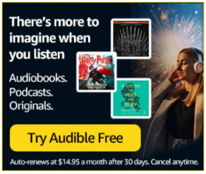
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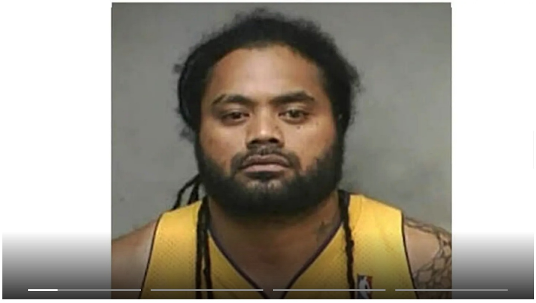

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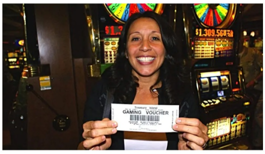

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