



KAKA'AKO MAKAI



BACKGROUND ANALYSIS

MARCH 2015



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APPENDICES

Appendix A Economic Background Analysis Report

Appendix B Civil Engineering Background Analysis Report

Appendix C Traffic Engineering Background Analysis Report

ADDITIONAL STUDIES

1. Kaka'ako Makai Policy (OHA, 2012)
2. Real Estate Vision, Mission, and Strategy Policy (OHA, 2007)
3. Kaka'ako Makai Strategic Action Plan (OHA, Nov. 2013)
4. Strategic Management Framework Kaka'ako Makai Cultural Landscape and Ancestral Connectivity Analysis
5. HAR, Title 15, Chapter 23, the Kaka'ako Community Development District Rules for the Makai Area
6. Kaka'ako Community Development District Makai Area Plan (HCDA, Oct. 2005)
7. Kaka'ako Makai Conceptual Master Plan (HCDA, Apr. 2011)



1 Executive Summary

This report provides an overview of relevant information, past studies, and previously completed plans for Kaka'ako Makai to familiarize the reader with issues pertaining to the Office of Hawaiian Affairs' (OHA) Kaka'ako Makai lands. The report describes the principles, guidelines, and other relevant information from previous Kaka'ako Makai studies and plans that should be considered, and where appropriate, included in the Conceptual Master Plan.

In Section 2 of this report, special emphasis is placed on a collection of studies compiled in 2013 that together are often referred to as OHA's "Framework Plan." The consistent theme that weaves through the Framework Plan is the tremendous opportunity and responsibility to develop the OHA Kaka'ako Makai land parcels in a unique and genuine way by balancing cultural, social,

spiritual, and economic values. The social and economic opportunities and responsibilities that OHA faces were heralded in earlier planning efforts when the land was managed by the State of Hawai'i. Earlier planning efforts sought to secure Kaka'ako as a gathering place meant for Hawai'i's people. A summary of State plans and policies related to Kaka'ako Makai are detailed in Section 3 of this Report.

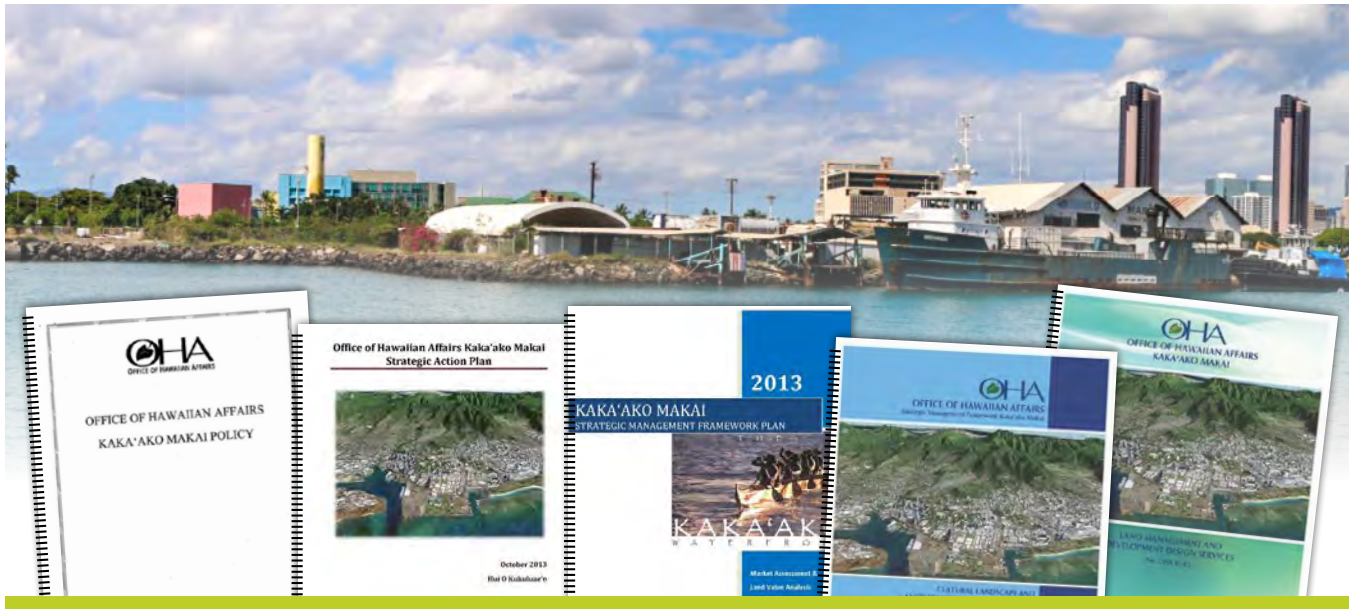
Section 2.4.1 of this report includes a review of the 2013 Market Assessment and Land Value Analysis component of the Framework Plan. Then, Section 4.1 of this report identifies the next steps for market and financial analyses to inform decisions going forward in the development of the Conceptual Master Plan, including methodology for evaluating both traditional land uses and cultural facilities. Appendix A provides greater detail on the approach for further economic study.

Upon review of background materials, Section 4 of this report recommends carrying forward the following planning principles in the Conceptual Master Plan. The planning principles that follow are strictly limited to concepts from prior studies. They do not include emerging concepts from the Community Engagement process or the Draft Land Use Scenarios development which are both currently under way. All recommendations will be considered and tested as the Draft Land Use Scenarios are developed and refined.

- **Take a holistic view** of land use planning and value creation that considers all of the OHA Kaka'ako Makai lands together and not as separate parcels; the use of each parcel should support the use and benefits of the others and provide a synergistic value to the whole. Adapted from: Kaka'ako Makai Policy (OHA, 2012), and Kaka'ako Makai Strategic Action Plan, Market Assessment & Land Value Analysis (2013).
- **A financial plan** for the OHA Kaka'ako Makai lands should first determine the amount of net revenue that the lands are expected to generate. Adapted from: Kaka'ako Makai Policy (OHA, 2012) and Kaka'ako Makai Strategic Action Plan, Market Assessment & Land Value Analysis (2013).
- **Provide opportunities to educate** through use of history and culture as guiding principles for the design of the built environment, with a goal to inform the user, resident, or visitor. Adapted from: Kaka'ako Makai Strategic Action Plan, Market Assessment & Land Value Analysis (2013).
- **Create a kīpuka**, cultural oasis, where Hawaiian national identity can flourish and be celebrated among Hawaiians and local communities throughout the Pacific, but also serve as a welcoming place for global leaders to gather. Adapted from: Kaka'ako Makai Strategic Action Plan, Charrette Vision & Strategic Priority (2013).
- **Embrace a bold, iconic development.** Adapted from: Kaka'ako Makai Policy (OHA, 2012), Kaka'ako Makai Strategic Action Plan, Charrette Vision & Strategic Priority (2013) and Kaka'ako Community Development District Transit Oriented Development (TOD) Overlay Plan (draft 2013).

- **Signify Kaka'ako Makai as a Hawaiian place** through development of a cultural landscape built of Hawaiian language, art, native plants, and urban design that focus on proximity of the ocean, the interplay of fresh and salt water, and the visual and triangulation associations to other significant points of alignment. Adapted from: Kaka'ako Makai Cultural Landscape & Ancestral Connectivity Analysis (2013).
- **Be supportive of the Hawai'i lifestyle**, recognizing that the contemporary planning lexicon "live, work, play" has been fundamental to life in Hawai'i for generations. Adapted from: Kaka'ako Makai Strategic Action Plan, Charrette Vision & Strategic Priority (2013), Kaka'ako Community Development District Transit Oriented Development (TOD) Overlay Plan (draft 2013), and Hawai'i Revised Statutes §15-23-31.
- **Be self-sufficient**; design buildings to be energy independent. Adapted from: Kaka'ako Makai Hazard Assessment, Fletcher (2012).
- **Take a "no regrets planning approach"** toward resiliency in a changing physical environment. Raise buildings and land adjoining streets, recognizing the on-going threat of storm surge and tsunami as well as the predictions of sea level rise. Adapted from: Kaka'ako Master Baseline Infrastructure Review, Kaka'ako Makai Hazard Assessment, Fletcher (2012).
- **Incorporate modern-day planning concepts** such as Transit Oriented Development and Complete Streets that incorporate traditional values of 'ohana, healing, and healthy lifestyles. Adapted from: Kaka'ako Makai Strategic Action Plan, Cultural Landscape & Ancestral Connectivity Analysis (2013) and Kaka'ako Community Development District Transit Oriented Development (TOD) Overlay Plan (draft 2013).

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2 Long-Range Plans and Vision Documents

2.1 Office of Hawaiian Affairs Kaka'ako Makai Policy (Office of Hawaiian Affairs, 2012)

The purpose of the Office of Hawaiian Affairs Kaka'ako Makai Policy is to set forth guidelines for the management and development of OHA's Kaka'ako Makai lands, which were received through Act 15, Session Laws of Hawai'i, 2012. Factors affecting management and development of the Kaka'ako Makai parcels focus on five objectives:

1. Relationship to OHA's vision and strategic priorities
2. Design and use, including cultural values
3. Revenue generation and proceeds
4. Timetable and process
5. Governance and decision-making

Policy guidelines within these objectives focus on the overall goal of maximizing revenue and total returns to increase OHA's programmatic reach without compromising OHA's kuleana to perpetuate Hawaiian culture. There is an emphasis on Hawaiian self-sufficiency on many levels including: creating economic opportunity; generating revenues to support OHA strategic priorities; and building a bold, uniquely Hawaiian place that is iconic and sustainable, while being mindful of eventual transfer of the assets to the Nation.

2.2 Office of Hawaiian Affairs Kaka'ako Makai Strategic Action Plan ("Framework Plan") (Hui O Kukuluae'o, 2013)

The OHA Strategic Action Plan makes recommendations to OHA leadership regarding its responsibilities as the haku 'āina (land steward) for the Kaka'ako Makai lands. The primary conclusion of the Strategic Action Plan was that OHA has a tremendous opportunity to develop their Kaka'ako Makai lands in a unique and genuine way by balancing cultural, social, spiritual, and economic values. The strategic location and value of these lands serves as an asset that will help meet OHA's overall vision "Ho'oulu Lāhui Aloha," provides an overall positive contribution to the surrounding community, and will potentially be an inspiration to draw national and international leaders and visitors to Hawai'i.

The Strategic Action Plan includes a discussion of and recommendations from a cultural landscape and ancestral connectivity analysis, a two-day charrette, a baseline infrastructure review, a market assessment and land value analysis, and a baseline development strategy; each are discussed below.

2.2.1 Cultural Landscape and Ancestral Connectivity Analysis

The Cultural Landscape and Ancestral Connectivity Analysis concludes that the cultural relevancy of OHA's lands is high and that opportunities abound for the integration of cultural planning into the development of the land. Recommendations from the analysis focus on priority steps to reestablish cultural connection to the lands.

Key Recommendations of the Cultural Landscape & Ancestral Connectivity Analysis:

- a. Seek opportunities that restore orientation and cultural relationship to the restorative and regenerative powers of the ocean.
- b. Acknowledge and celebrate all animated forms of water as illustrated in a life cycle in lewa-mauka-makai relationship.
- c. Utilize Hawaiian astronomical concepts to develop site(s).
- d. Develop and maintain a visual corridor and triangulation alignment to significant geographic points within ahupua'a and entire archipelago.
- e. Respect ancestral presence by creating space for meditation and ocean purification practices.
- f. Creating opportunities for the 'ōlelo mākuahine to be utilized consistently and prominently and for Maoli art in public spaces.
- g. Restore a cultural kīpuka with the presence of appropriate kinolau to establish an urban coastal ecosystem.

- h. Consider gateway and arrival monuments themed to concepts of Ho'oulu Lāhui Hawai'i.
- i. Support preserving and restoring energy resource capacities for future generations.
- j. Establish and set-up organizational structure of an advisory 'aha of recognized kumu, kūpuna, and loea that develop a list of required criteria to be included in all design reviews and to help initiate what a hālau ola, university, and/or global welcoming center within a Hawaiian context would be.
- k. Study the opportunities to engage the wa'a community as a whole and consider potential of developing a portion of the OHA Kaka'ako Makai parcels as a hosting site for annual Moloka'i Hoe, Nā Wahine O Ke Kai; and other canoe association races; and to be a home site for long distance voyaging canoe.
- l. Work with Hawaiian or community service organizations that have an existing presence in the area who help to perpetuate the legacy and heritage of place.
- m. Conduct Complete Streets study to guide and direct a more comprehensive approach to transportation that supports maui ola concepts and promotes healthy lifestyles (ie. tree-lined shaded pedestrian walkways, bicycle paths and lanes, etc.).
- n. Conduct Archaeological Inventory Survey and start early consultation with known cultural descendants within the ahupua'a.

2.2.2 Charrette Vision & Strategic Priority

In August 2013, OHA held a two-day charrette to envision the future and vibrancy of the Kaka'ako Makai lands. The charrette aimed to give OHA an understanding of the type of lifestyle valued by stakeholders and to develop an acceptable balance between commerce and culture. Participants in the charrette identified three major themes:

1. Create a kīpuka, cultural oasis, where Hawaiian national identity can flourish and be celebrated among Hawaiians and local communities throughout the Pacific, but also serve as a welcoming place for global leaders to gather.
2. Support the development of a cultural marketplace that invests in intellectual capital, seeking possibilities of exploration and innovation in education, health and political leadership.
3. Create a cohesive and multi-functional planned community that embraces a transformative ideal of live, work and play.

2.2.3 Master Baseline Infrastructure Review

The Master Baseline Infrastructure Review included with the Strategic Action Plan provides an overview assessment of the current existing infrastructure conditions and capacity of potable water, wastewater, drainage, roadways, circulation, and other infrastructure issues in the Kaka'ako Makai area. Recommendations and considerations include:

- An ALTA survey should be performed to assess properties, easements, and restrictions.
- Although water supply is adequate under current conditions, development in the surrounding area can potentially affect available water supply and water pressure to OHA's properties.
- Wastewater capacity should be reviewed prior to proceeding with development. Sewer laterals that require replacement are the responsibility of the developer/owner.
- Additional assessment should be made of proposed improvements with respect to the current flood zone during master planning.
- Topographic survey is needed to determine the extent of work associated with development within a Flood Zone and to address the potential for sea level rise and flooding in the future.

The Civil Engineering Background Analysis Report (Appendix B) addresses the Master Baseline Infrastructure review and offers direction for next steps to analyze adequacy of infrastructure based on an up-to-date preferred alternative (or alternatives) and current conditions.

2.2.4 Market Assessment & Land Value Analysis

As the title implies, the Market Assessment and Land Value Analysis report included with the Strategic Action Plan includes a: 1) market assessment; and 2) land value assessment. The market assessment section provides an overview of the market situation in Kaka'ako as of October 23, 2013 using market data from existing documents. However, as clearly stated in the report, it was not intended to be a comprehensive market feasibility study. The land value assessment evaluated the revenue production capability of the lands for planning purposes.

The 2013 Market Assessment and Land Value Analysis concluded that Hawai'i's economy is generally healthy and Kaka'ako in particular seems to be poised for continued and sustained growth. In addition, assuming a land value of \$200 million, and based commercial use of the properties, it is estimated that OHA could potentially expect an annual revenue of \$14-16 million, many times the current annual income of about \$1 million.

Looking forward, the 2013 Market Assessment and Land Value Analysis foresees that with their waterfront location and the adjacent park, OHA's Kaka'ako Makai lands are potentially the most valuable in Kaka'ako if residential uses are allowed. While noting the importance of a holistic view of land use planning and value creation that would consider all of OHA's Kaka'ako Makai lands together, for comparison and planning purposes the analysis derived residual land values for four hypothetical single-purpose projects on a portion of the lands. Residential condominium use produced the highest residual land value (\$219/ square foot (sf)), while rental apartments and retail uses produced smaller residual land values (\$20/sf and (\$72/sf, respectively), and office use produced negative land value (-\$245/sf). However, the analysis further noted that a common development approach, especially for waterfront projects with large open areas for public use, is to maximize value and income-generation from residential uses to support other uses which generate little or no income.

2.2.4.1 Review of 2013 Market Assessment & Land Value Analysis

As an important first step in the market and financial analysis for the OHA Kaka'ako Makai Conceptual Master Plan, The Hallstrom Group/CBRE and AECOM reviewed the 2013 Market Assessment and Land Value Analysis. In general they found that the report addressed major economic, market, and financial issues in Kaka'ako; however, as clearly stated in the report, it was not intended to be a comprehensive market feasibility study and primary market research was not part of the scope of work. With this purposely limited scope of work in mind, they note the following strengths and limitations of the report.

Strengths

The 2013 Market Assessment and Land Value Analysis includes important information and research which can be built upon. Strengths include:

- The sites were put into a historic and current development context.
- Major economic, real estate, market, and financial trends impacting the state, city, and Kaka'ako neighborhood were addressed.
- Significant market trends for residential, retail, and office uses were identified, and while a market demand study was not conducted, key indicators of demand were discussed.
- The report includes a thorough review of current (as of 2013) and then known upcoming projects in the Kaka'ako area.
- The report acknowledged that there are questions about the depth of the residential market given the amount of supply currently proposed and entitled residential projects in Kaka'ako.
- The report included a residual land value analysis, which is helpful for the comparison of land values for different land uses.

- The current leases encumbering the site were reviewed and discussed.
- Within the report, there was an acknowledgement of a very broad range in possible land value depending on whether or not and the extent to which residential uses are allowed.
- Overall, the study did what it set out to do, which was to identify candidate land uses and relative residual land values to determine which uses may be feasible to pursue in future studies.

Limitations

Most of the limitations of the 2013 Market Assessment and Land Value Analysis are due to the limited scope of work, which did not include primary market research and did not include a full market demand and financial analysis. The work was primarily conceptual, given that there was no program to evaluate. The report also did not suggest a program based upon any market analysis. Specifically, the report was limited in the following ways:

- The economic and market data is fairly cursory and does not go into much depth. As an example, while the report includes an evaluation of GDP growth, it does not examine GDP per capita growth, which is often viewed as the more important metric.
- While the report examines current indicators of demand, it does not conduct a short, medium, or long term demand analysis by land use.
- The report brings up several uses that were part of the previous conceptual plan, such as a 40,000 square foot Hawaiian music and dance facility, a performing arts center, museum, community center, farmers market, community gardens, etc., but does not evaluate market, economic, and financial implications of these proposed cultural uses. It will be important to focus on the sustainability and demand for these given current and proposed supply in the market.
- The report did not evaluate market potential for a hotel, timeshare, or condo hotel use.
- Since there was no program developed, the report did not include a financial analysis and was limited to the estimate of land value by use.

2.2.5 Master Baseline Development Strategy

The Master Baseline Development Strategy is based on the synthesis and analysis of the Cultural Landscape and Ancestral Connectivity Analysis, the Master Baseline Infrastructure Review, the major themes from the Charrette Vision & Strategic Priority process, and the Market Assessment and Land Value Analysis. It sets forth nine scenarios to investigate a range of assumed values of different land uses to provide a way for OHA leadership to measure economic implications of different development activities. The table below provides a comparison of the nine scenarios. The baseline

strategy includes greater description of each strategy along with diagrammatical maps. In summary, the alternatives provide a range of estimated land value between \$61 million and \$211 million.

BASELINE STRATEGY ALTERNATIVE VALUES

Alternative	Description	Estimated Residual Value
A	Existing zoning	\$+/- 91,400,000
A-1	Existing zoning with office	\$+/- 61,000,000
A-2	Existing zoning with hotel	\$+/- 77,700,000
B	Residential condominium and rental	\$+/- 155,200,000
B-1	Increased residential condominium and limited rental	\$+/- 184,100,000
C	Residential condominium only	\$+/- 203,200,000
C-1	Increased residential condominium and park use	\$+/- 204,900,000
C-2	300-foot residential condominium for Parcel L with increased park use	\$+/- 211,700,000
D	300 foot residential condominium for Parcel L with approximately 50% park use	\$+/- 143,400,000

2.2.6 Strategic Action Plan Recommendations

Combining the information from the Cultural Landscape and Ancestral Connectivity Analysis, the Master Baseline Infrastructure Review, the major themes from the Charrette Vision & Strategic Priority process, the Market Assessment and Land Value Analysis, and the Master Baseline Development Strategy, the following recommendations and next steps emerged:

Strategic Action Plan (SAP) Recommendations

1. Using past policies and information articulated in the Strategic Action Plan, formulate and adopt a series of quantified objectives for the property, which will be the basis of a master planning effort. These should include the following:
 - a. Cultural activities and values to be incorporated into the development of the land.
 - b. The residual value target for the property.
 - c. The approximate proportion of the developed land that should be designated for “Park” use.
 - d. Commercial and other uses projected for the property and the approximate proportion of developed floor area ratio (FAR) that is to be targeted for each use.

2. With the above information, seek through an RFP process, a planning entity to work with OHA to develop a master plan.
3. Concurrently, organize and move to seek the proper legislated entitlements to achieve the planning objectives. These would include uses such as housing, if appropriate.
4. Once the master plan is developed and approved, seek a development entity to proceed with either the first phase (only) of the master plan or to develop the master plan over all phases.
5. This planning entity should be able to modify the master plan, after their selection is made, so as to fit into their approach to the markets. They should, however, be required to be faithful to the cultural, environmental and social concerns embodied in the master plan.
6. With the selected development entity, gain HCDA entitlements (as necessary) for the development of the plan. The developer, and its consultants, may be primarily responsible for this.
7. As approvals are obtained and the developer prepares to proceed, develop project management oversight capacity, either on-staff or through a consultant familiar with construction issues. This is not to oversee construction but to interface with the developer and governmental entities during the construction period.
8. Other
 - a. Engage in regional partnerships with relevant public agencies and surrounding land owners that support OHA's vision of Kaka'ako Makai.
 - b. Prepare a comprehensive financial proforma and capital financing plan. Leveraging OHA's existing cash flow through potential debt financing sources such as revenue bonds can generate additional capital for its development projects and represents one financing option.

2.3 Kaka'ako Makai – Hazard Assessment (Fletcher, 2012)

The Kaka'ako Makai - Hazard Assessment addresses Kaka'ako Makai's vulnerability to marine hazards, hurricane storm surge, tsunami inundation, and sea level rise. The assessment suggests adopting a "no regrets planning approach" from the beginning of the planning process to prepare for hazards and develop avoidance and resiliency strategies based on risk and vulnerability. The assessment also offers several resiliency design suggestions that may be employed to "adapt to and somewhat mitigate the impacts of these processes", including:

- Avoid slab on grade construction, utilize a building design that allows flood water to flow on the ground beneath a building.

- Maintain the elevation of streets as they are repaved, raise the street level on pace with sea level rise.
- Raise buildings and land adjoining streets with revised building codes so that they are not flooded by runoff from higher streets.
- Engineer the drainage network with one-way flow boots and/or timed gates that close at high tide.
- At high sea levels consider the cost and benefit of pumping down the water table.
- Minimize building features that are vulnerable to high winds and waves, design protection of the building envelope in high winds and waves.
- Design buildings to be energy independent in order to survive grid failures.
- Design access to buildings to be elevated and off grade.
- Underground all utilities.
- Consider appropriate uses for multiple properties based on their hazard exposure.

2.4 Previous Traffic Studies

Several traffic studies have been conducted in the Kaka'ako Makai area in the last ten years. An overview of those studies, focused on each study's recommendation is provided in The Traffic Engineering Background Analysis Report (Appendix C).

2.4.1 Kaka'ako Community Development District Makai Area, Transportation Plan

This transportation plan set forth traffic safety and efficiency improvement in support of the larger Kaka'ako Community Development District Makai Area Plan. A key suggestion pertaining to the OHA lands included upgrading Ilalo Street. This recommendation has been implemented. The study also recommends conducting signal warrants for several intersections in 2009 and re-evaluating those analyses in the year 2025, as the makai area develops. With respect to pedestrian travel, the study also suggests converting the Ala Moana Boulevard left turn lanes into medians to provide shelter for crossing pedestrians.

2.4.2 Downtown Seawater Air Conditioning, Construction Traffic Management Plan

This document offers mitigations to control traffic during construction of the anticipated seawater air conditioning facility. It does not offer traffic analysis useful for the Concept Master Plan.

2.4.3 University of Hawai'i Life Sciences Center

Prepared for the expansion of the John A. Burns School of Medicine on a lot west of the school, this study focused on the ramifications of displacement of parking. It is a useful resource in that baseline data may be applicable to further analysis. However, analysis did not include influences or effects of new or recent developments in the region.

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3 Regulatory Plans, Policies, and Requirements

OHA's Kaka'ako Makai lands are located in an area under the regulatory jurisdiction of the Hawai'i Community Development Authority (HCDA). HCDA has adopted land use goals, policies, and regulations for development and uses in the Kaka'ako Makai area (and periodically reviews, revises, or may add to these). They are detailed in this section, beginning with overarching policy documents and narrowing to adopted regulatory documents.

3.1 Kaka'ako Makai Conceptual Master Plan (HCDA, 2011)

The Kaka'ako Makai Conceptual Master Plan is the result of a community-based master planning process for Kaka'ako Makai which began in 2006. As part of this process, HCDA invited stakeholders and the broader community to form an advisory group with the objective of developing a vision and principles to guide the future development of the area. The participants of this advisory group elected to name themselves the Kaka'ako Makai Community Planning Advisory Council (CPAC) and were instrumental in the development of the Kaka'ako Makai Conceptual Master Plan.

The Kaka'ako Makai Conceptual Master Plan Final Report sets forth a vision statement and guiding principles. The vision statement is:

“Kaka'ako Makai is the community's gathering place. A safe place that welcomes all people, from keiki to kupuna, 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.”

The guiding principles are centered on 14 broad areas:

- Community cultural gathering place
- Hawaiian culture and values of the ahupua'a
- Open view planes
- Coastal and marine resources
- Expanded park and green space
- Public accessibility
- Public safety, health, and welfare
- Public land use legislation – public use of public lands in the public interest

- Kewalo Basin
- Cultural facilities
- Small local business
- Site design guidelines – a Hawaiian sense of place in landscape, setting, and design
- Community/government planning partnership
- Future funding and management

The vision and guiding principles informed the development of a land use plan, which classifies much of the now-OHA Kaka'ako Makai lands as park expansion. Other land uses identified on OHA lands include:

- “Piano Lot” (Lot G/F)
 - » Performing arts complex
 - » Parking structure
 - » Farmers’ market
 - » Fish market
 - » Community gardens
 - » Community center
 - » Surfing and watersport museum and hall of fame
- Lands along Kewalo Basin (Lots A, B, C, D, K)
 - » Fisherman’s Wharf restaurant
 - » Harbor shops and restaurants
 - » Museum of music and dance
 - » Keiki fishing conservancy
 - » John Dominis restaurant (now closed/replaced with 53 By the Sea restaurant)
 - » Kewalo marine lab
 - » Promenade
- Lands west of JABSOM (Lots I, L)
 - » Active civic use
 - » Future public improvements
 - » Future promenade extension

3.2 Kaka'ako Community Development District Transit Oriented Development Overlay Plan (draft) (Hawai'i Community Development Authority, 2013)

In May 2013, HCDA published a draft Transit Oriented Development (TOD) Overlay Plan that provides recommendations relating to connectivity and circulation, parks and open space, urban form, and land use for those lands generally within 1/4 mile of the Honolulu Rail Transit Project's planned transit stations. In particular, Kaka'ako Community Development District TOD Overlay Plan enhances the policies and direction set forth in the previously established district plans and rules by maximizing development through the use of smart growth principles, multi-modal transportation, and walkable neighborhood design.

While the TOD Plan focuses more on the Mauka Area of the Kaka'ako Community Development District, its objectives are relevant to the entire District. The objectives are:

- Destinations: Coordinate land use and transportation
- Distance: Create a well-connected street network using Complete Streets principles
- Design: Create places for people
- Density: Concentrate and intensify activities near frequent transit
- Diversity: Encourage a mix of uses
- Demand Management: Encourage the "auto trip not taken" through a systems management approach

The TOD Plan also provides recommendations on urban form and neighborhood patterns that encourage a new diversity of high-rise types paired with streetscape design. These elements can produce a comfortable, pedestrian-oriented environment while adding capacity to Honolulu's primary urban center. Other design concepts include:

- Urban design to support transit integration
- Skyline and views
- Iconic buildings (up to three)
- High quality design (Design Review Board)
- Sustainability

3.3 Kaka'ako Community Development District Makai Area Plan (Hawai'i Community Development Authority, 2005)

The Kaka'ako Community Development District Makai Area Plan contains a conceptual master plan and sets forth land use principles, land use zones, and urban design principles and elements to direct development of the Makai Area so that it becomes an active, vibrant area that is dedicated and attractive to the people of Hawai'i. The Plan also provides a history of previous Makai Area plans and includes an infrastructure analysis, financial program, facilities plan, and implementation plan.

The Makai Area Plan Land Use Principles inform the land use plan and the land use zones. The broad Land Use Principle categories are:

- Sense of community
- Balance public amenities with revenue generation
- Focus on park lands as a centerpiece
- Appropriate use of the waterfront
- Kewalo Basin

Makai Area Plan Land Use Zones reflect the same areas as the Makai Area Rules (Hawai'i Administrative Rules (HAR) Title 15, Chapter 23, the Kaka'ako Community Development District Rules for the Makai Area), and essentially set forth the zoning for the Makai Area. The Land Use Zones are:

- Park (P)
- Mixed-Use Zone (MUZ)
- Mixed-Use Zone Industrial (MUZ-I)
- Waterfront Commercial (WC)
- Public (PU)
- Aloha Tower Special District.

In relation to the urban design, the Makai Area Plan suggests that because most of the Makai Area is publicly owned, it offers a unique opportunity to create an outstanding urban environment. The Urban Design Principles laid out in the Plan are:

- Strong linkage of the Kaka'ako Waterfront Park to the City
- Flexibility of building form
- Outstanding pedestrian environment

The Makai Area Plan also lays out site-specific elements that would contribute to the overall design of the Makai Area:

- Variety of park environments
- Kewalo area as an active commercial waterfront
- Active ground floor uses
- View corridors
- Cultural and educational facilities
- Public art

In particular, the Makai Area Plan places a high priority on the creation of an outstanding pedestrian environment supported by public parks, appropriately design public sidewalks, and privately owned open space. The Plan specifically mentions Ilalo Street as a premier

shopping street with broad sidewalks and planting strips. Each development within the Makai Area is also required to provide at-grade open space in the amount of 20 percent of the property area.

3.4 The Makai Area Rules (State of Hawai'i, 2005)

The Makai Area Rules (Hawai'i Administrative Rules Title 15, Chapter 23, the Kakaako Community Development District Rules for the Makai Area) set forth the policies and regulations for the Makai Area. HCDA is the enforcing authority for these rules. Subchapters include:

- General Provisions (which include definitions and development permit requirements)
- Land Use Zone Rules (which establish land use zones including purposes and permitted uses)
- General Development Requirements (which set out development standards such as maximum densities and heights, required yards and setbacks, and parking requirements)
- Special Urban Design Rules (which include requirements relating to streetscapes, tower spacing, and landscaping)
- Historical and Cultural Sites (which define historic and culturally significant property and sets forth procedures for designation, demolition, construction, or alteration)
- Master Plan Rules (which incorporate by reference the rules related to master plans contained in the Mauka Area Rules)

While OHA will need to be mindful of the details and specifics of the Makai Area Rules in creation of the Conceptual Master Plan and implementation of actual uses, the following table notes the land zones and key standards from the Makai Area Rules relevant to the OHA's Kaka'ako Makai lands.

Lot	Zoning	Maximum Density (Floor Area Ratio)	Maximum Height
A	Waterfront Commercial (WC)	1.5	65'
B	Waterfront Commercial (WC)	1.5	65'
C	Waterfront Commercial (WC)	1.5	65'
D	Waterfront Commercial (WC)	1.5	65'
E	Mixed-Use Zone (MUZ)	2.5	200'
F	Mixed-Use Zone (MUZ)	2.0	200'
G	Mixed-Use Zone (MUZ)	2.0	200'
I	Mixed-Use Zone (MUZ)	3.5	200'
K	Waterfront Commercial (WC)	1.5	65'
L	Mixed-Use Zone (MUZ)	0.6	45'

According to §15-23-33, HAR, the purpose of the Waterfront Commercial (WC) zone is to promote:

- An environment where residential and retail commercial uses will coexist compatibly alongside maritime uses; and
- The most desirable use of land and adjacent water uses in accordance with a well-considered plan to:
 - » Promote stability of surrounding land uses;
 - » Protect the character of the district and its peculiar suitability for particular uses; and
 - » Conserve the value of land and buildings.

Under §15-23-34, HAR, permitted uses within the Waterfront Commercial (WC) zone include¹:

- Commercial uses;
- Residential uses;² and
- Maritime uses.

According to §15-23-31, HAR, the purpose of the Mixed-Use Zone (MUZ) zone is to:

- Provide a subdistrict whereby a variety of residential and commercial uses may coexist compatibly with an emphasis to:
 - » Develop a mixed-use multi-storied area which will provide housing, jobs, and other employment opportunities; and
 - » Support a variety of appropriate community facilities for residents and workers;
 - » Create a truly vibrant living and working environment by:
 - » Regulating the density and bulk of buildings in relation to the land around them and to one another;
 - » Requiring the-provision of open space; and
 - » Encouraging the development of job opportunities;
 - » Provide freedom of architectural design to encourage the development of more attractive and economic building forms; and
 - » Promote the most desirable use of land and direction of building development in accord accordance with a well-considered plan to:
 - » Promote stability of residential and commercial development;
 - » Protect the character of the district and its peculiar suitability for particular uses; and
 - » Conserve the value of land and buildings.

¹ See §15-23-34, Makai Area Rules for a complete list of all permitted uses.

² While the Makai Area Rules provide for residential uses, §206E-31.5, HRS (enacted after the Rules were adopted), prohibits approving any plan for proposal for residential development makai of Ala Moana Boulevard and between Kewalo Basin and the Foreign Trade Zone.

Under §15-23-32, HAR, permitted uses within the Mixed-Use Zone (MUZ) zone include:³

- Commercial uses;
- Residential uses;⁴ and
- Community service uses.

3.5 Covenants, Conditions and Restrictions for the Waterfront (Hawai'i Community Development Authority, 2002)

In 2002, HCDA established covenants, conditions and restrictions (CC&R's) for certain Kaka'ako Makai parcels, including those now owned by OHA. The CC&R's establish a system for collecting assessments to support maintenance of common areas (including streets, medial strips, parking lots and parks designated for public use in the waterfront area) as well as assessments for capital improvements of the common areas. The CC&R's further establish a process for architectural review of any improvements over \$25,000 in value. Additionally, the CC&R's set forth general specifications for landscaping and maintenance such as cleaning of sidewalks, watering and pruning plants, as well as graffiti and trash removal.

³ See §15-23-32 Makai Area Rules for a complete list of all permitted uses

⁴ While the Makai Area Rules provide for residential uses, §206E-31.5, HRS (enacted after the Rules were adopted), prohibits approving any plan for proposal for residential development makai of Ala Moana Boulevard and between Kewalo Basin and the Foreign Trade Zone.

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4 Recommended Considerations

OHA has an opportunity and responsibility to develop the Kaka'ako Makai lands in a way that balances cultural, social, spiritual and economic values. To achieve this balance, it is recommended to carry forward the following considerations in the Conceptual Master Plan. The planning principles that follow are strictly limited to concepts from prior studies. They do not include emerging concepts from the Community Engagement process or the Draft Land Use Scenarios development which are both currently under way. All recommendations will be considered and tested as the Draft Land Use Scenarios are developed and refined.

- **Take a holistic view** of land use planning and value creation that considers all of the OHA Kaka'ako Makai lands together and not as separate parcels; the use of each parcel should support the use and benefits of the others and provide a synergistic value to the whole. Adapted from: Kaka'ako Makai Policy (OHA, 2012), and Kaka'ako Makai Strategic Action Plan, Market Assessment & Land Value Analysis (2013).
- **A financial plan** for the OHA Kaka'ako Makai lands should first determine the amount of net revenue that the lands are expected to generate. Adapted from: Kaka'ako Makai Policy (OHA, 2012) and Kaka'ako Makai Strategic Action Plan, Market Assessment & Land Value Analysis (2013).
- **Provide opportunities to educate** through use of history and culture as guiding principles for the design of the built environment, with a goal to inform the user, resident, or visitor. Adapted from: Kaka'ako Makai Strategic Action Plan, Market Assessment & Land Value Analysis (2013).
- **Create a kīpuka**, cultural oasis, where Hawaiian national identity can flourish and be celebrated among Hawaiians and local communities throughout the Pacific, but also serve as a welcoming place for global leaders to gather. Adapted from: Kaka'ako Makai Strategic Action Plan, Charrette Vision & Strategic Priority (2013).
- **Embrace a bold, iconic development.** Adapted from: Kaka'ako Makai Policy (OHA, 2012), Kaka'ako Makai Strategic Action Plan, Charrette Vision & Strategic Priority (2013) and Kaka'ako Community Development District Transit Oriented Development (TOD) Overlay Plan (draft 2013).
- **Signify Kaka'ako Makai as a Hawaiian place** through development of a cultural landscape built of Hawaiian language, art, native plants, and urban design that focus on proximity of the ocean, the interplay of fresh and salt water, and the visual and triangulation associations to other significant points of alignment. Adapted from: Kaka'ako Makai Cultural Landscape & Ancestral Connectivity Analysis (2013).

- **Be supportive of the Hawai'i lifestyle**, recognizing that the contemporary planning lexicon “live, work, play” has been fundamental to life in Hawai'i for generations. Adapted from: Kaka'ako Makai Strategic Action Plan, Charrette Vision & Strategic Priority (2013), Kaka'ako Community Development District Transit Oriented Development (TOD) Overlay Plan (draft 2013), and Hawai'i Revised Statutes §15-23-31.
- **Be self-sufficient**; design buildings to be energy independent. Adapted from: Kaka'ako Makai Hazard Assessment, Fletcher (2012).
- **Take a “no regrets planning approach”** toward resiliency in a changing physical environment. Raise buildings and land adjoining streets, recognizing the on-going threat of storm surge and tsunami as well as the predictions of sea level rise. Adapted from: Kaka'ako Master Baseline Infrastructure Review, Kaka'ako Makai Hazard Assessment, Fletcher (2012).
- **Incorporate modern-day planning concepts** such as Transit Oriented Development and Complete Streets that incorporate traditional values of 'ohana, healing, and healthy lifestyles. Adapted from: Kaka'ako Makai Strategic Action Plan, Cultural Landscape & Ancestral Connectivity Analysis (2013) and Kaka'ako Community Development District Transit Oriented Development (TOD) Overlay Plan (draft 2013).

4.1 Approach for Further Economic Study

To inform decisions going forward in the development of the Conceptual Master Plan the next steps for evaluating the economics of both traditional land uses, such as residential, commercial, office, medicine, and hospitality, and cultural facilities, such as cultural centers, interpretive centers, place of memory, living history, regional science centers, garden attractions, or view attractions, are outlined below. The overall approach will be to test the economics of the plan through:

- Market assessment to confirm demand (review of available resident and visitor markets);
- Market analysis to safeguard performance (analysis of existing supply, evaluate key metrics such as attendance per capita compared to similar sized markets, benchmarking against comparable facilities); and
- Financial analysis to ensure long-term success (estimate financial performance, net operating income).

The Economic Background Analysis Report (Appendix A) provides greater detail on the approach for further economic study.

Market and Financial Analysis of Traditional Land Uses

Kaka'ako has emerged as the primary focus of new development in Hawai'i during the on-going economic up-cycle. While many areas in the islands are also experiencing major expansion, none compare to Kaka'ako in regard to scale, number of under-construction and proposed projects, level of capital investment, and transformative impact. The centrally-

located Honolulu district is rapidly evolving from its industrial roots into the modern, residential and commercial-oriented urban neighborhood which has been envisioned for a generation but only now is beginning to broadly achieve long-term objectives.

The methodology for analyzing the OHA Kaka'ako Makai lands from a prevailing market-based, economic perspective is four-fold process:

1. Provide an overview of the greater Kaka'ako market area's population, economic, land use and development/capital investment trends at present and as forecast in coming decades.
2. Complete a market analysis of the potential uses of the OHA Kaka'ako Makai lands in regard to existing and proposed supply, demand for building sites and finished inventory, and costs to construct and prices achieved.
3. Determine the appropriateness of the OHA Kaka'ako Makai lands for the use types identified as offering the most favorable marketability and highest underlying land values.
4. Construct a series of financial feasibility models quantifying the potential returns to OHA associated with the various uses based on assumed scale/densities, construction costs, finished pricing and absorption, and other characteristics.

The results of the analysis will help to inform the Conceptual Master Plan so that the plan not only achieves cultural, educational, and stewardship goals for the land, but also provides for the most favorable returns within a sustainable community framework. The results will additionally provide insight on the financial impacts associated with existing land use limitations versus seeking entitlements permitting wider ranging and more intense uses, such as residential uses.

To present the most comprehensive view of the potential for the properties, one aspect of the analysis will be that the OHA Kaka'ako Makai lands would be available for development with any legal urban use at competitive scales/densities apart from current land use conditions; in other words, a "maximal" perspective. Another aspect of the analysis will be to look at the lands based on the current limitations (including "no residential" scenarios); or "minimal" perspectives.

Issues being considered during each step of analysis will include (among others): the probable timing of development of OHA Kaka'ako Makai lands and the relationship to economic cycles; competing projects; and the impact of land tenure (fee simple or leasehold) on use and marketability.

Market and Financial Analysis of Cultural and Non-Traditional Land Uses

Cultural and heritage attractions can play an important role in defining and branding a real estate development. They can also be the differentiators between a traditional real

estate development and a destination or district, as they can induce both development and visitation.

However, cultural attractions of all types typically require contributed income in the form of grants, donations, and sponsorships to operate. They generally have a “double” bottom line of being financially viable while working toward a mission that involves culture and education. Thus, their business model requires two types of income: earned and contributed. The earned revenue from admissions, retail, facility rentals, and food sales can often cover services and experience for which people are willing to pay. However, contributed revenue such as foundation grants, corporate sponsorship, government funding, income from endowments and investments, or individual charitable contributions must often cover the mission-driven part of their work. Even commercial attractions, which do operate for profit, are not typically the highest value land use for a given site, but act as catalysts that create value for surrounding properties.

Given these economic realities, it is important to carefully evaluate the market for the proposed cultural attractions, including the resident and tourist markets and the existing and proposed supply. It is also important to properly size cultural attractions, as both under and over sizing can result in financial and operational challenges.

Key Principles in Cultural Development Economics:

- Cultural facilities and expressions of culture can be successfully integrated into and sometimes supported by private real estate, but they need careful planning.
- Cultural facilities can catalyze development, create value for surrounding uses, and contribute to the development of a destination.
- Financial viability and success are not the same thing.
- Long term sustainability should be the focus of business planning.

The approach to evaluating the economics of cultural facilities as part of the larger OHA Kaka’ako Makai market study will include three major steps:

1. Market Assessment: review and understand overall development concepts, resident and tourist markets, and the competitive environment.
2. Concept Development and Market Analysis: identify, review, and collect data regarding comparable facilities nationally and internationally. Based upon the information gathered, a preliminary assessment of demand for each cultural attraction type will be developed, including likely visitation, earned revenue, and other financial support.
3. Refinement and Financial Analysis: based upon steps one and two, refine ideas for cultural attractions based upon a combination of OHA goals, market potential, financial viability, community input, and other factors as relevant. For viable uses, more detailed attendance, physical planning, and financial analysis will be developed.

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KAKA'AKO MAKAI

APPENDIX A

Economic Background Analysis Report



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Background Analysis Report: Market and Economic Considerations

Review of Market Assessment and Land Value Analysis

As an important first step in the market and financial analysis for the OHA Kaka'ako Makai Conceptual Master Plan, The Hallstrom Group/CBRE and AECOM reviewed relevant background materials and studies including the Office of Hawaiian Affairs Strategic Action Plan "Framework Plan" (OHA, 2013), which includes the Market Assessment and Land Value Analysis prepared by Stanford Murata, Inc. in 2013. This memorandum highlights key issues related to the 2013 Market Assessment and Land Value Analysis and identifies the next steps for market and financial analyses to inform decisions going forward in the development of the Conceptual Master Plan.

This memorandum is divided into three major sections:

- Evaluation of previous market and financial analysis;
- Approaches to evaluation of traditional real estate land uses; and
- Approaches to Market and Financial Analysis of Cultural and Non-traditional Land Uses

Evaluation of Previous Studies

The Hallstrom Group/CBRE and AECOM reviewed the previous background materials, focusing heavily on the 2013 Market Assessment and Land Value Analysis. Generally speaking, we found that the previous report addressed major economic, market, and financial issues in Kaka'ako; however, as clearly stated in the report, it was not intended to be a comprehensive market feasibility study and primary market research was not part of the scope of work. Our study will build upon this preliminary market assessment and land value analysis and provide relevant, primary market and other economic information needed to inform the development of the Conceptual Master Plan.

In reviewing the 2013 Market Assessment and Land Value Analysis we note the following strengths and limitations of the study, and note that the many of the limitations are primarily due to the purposely limited scope of work.

Strengths

The 2013 Market Assessment and Land Value Analysis includes important information and research which we can build upon. Strengths of the report include:

- The sites were put into a historic and current development context.
- Major economic, real estate, market, and financial trends impacting the state, city, and Kaka'ako neighborhood were addressed.
- Significant market trends for residential, retail, and office uses were identified, and while a market demand study was not conducted, key indicators of demand were discussed.

- The report includes a thorough review of current (as of 2013) and then known upcoming projects in the Kaka'ako area.
- The report acknowledged that there are questions about the depth of demand in the residential market given the amount of supply currently proposed and entitled residential projects in Kaka'ako.
- The report included a residual land value analysis, which is helpful for the comparison of land values for different land uses.
- The current leases encumbering the site were reviewed and discussed.
- Within the report, there was an acknowledgement of a very broad range in possible land value depending on whether or not and the extent to which residential uses are allowed.
- Overall, the study did what it set out to do, which was to identify candidate land uses and relative residual land values to determine which uses may be feasible to pursue in future studies.

Limitations

As noted above, most of the limitations of the study are due to the limited scope of work, which did not include primary market research and did not include a full market demand and financial analysis. The work was primarily conceptual, given that there was no program to evaluate. The report also did not suggest a program based upon any market analysis. Specifically, the 2013 Market Assessment and Land Value Analysis has the following limitations:

- The economic and market data is fairly cursory and does not go into much depth. As an example, while the report includes an evaluation of GDP growth, it does not examine GDP per capita growth which is often viewed as the more important metric.
- While the report examines current indicators of demand, it does not conduct a short, medium, or long term demand analysis by land use.
- The report brings up several uses that were part of the previous conceptual plan, such as a 40,000 square foot Hawaiian music and dance facility, a performing arts center, museum, community center, farmers market, community gardens, etc., but does not evaluate market, economic, and financial implications of these proposed cultural uses. It will be important to focus on the sustainability and demand for these given current and proposed supply in the market.
- The report did not evaluate market potential for a hotel, timeshare, or condo hotel use.
- Since there was no program developed, the report did not include a financial analysis and was limited to the estimate of land value by use.

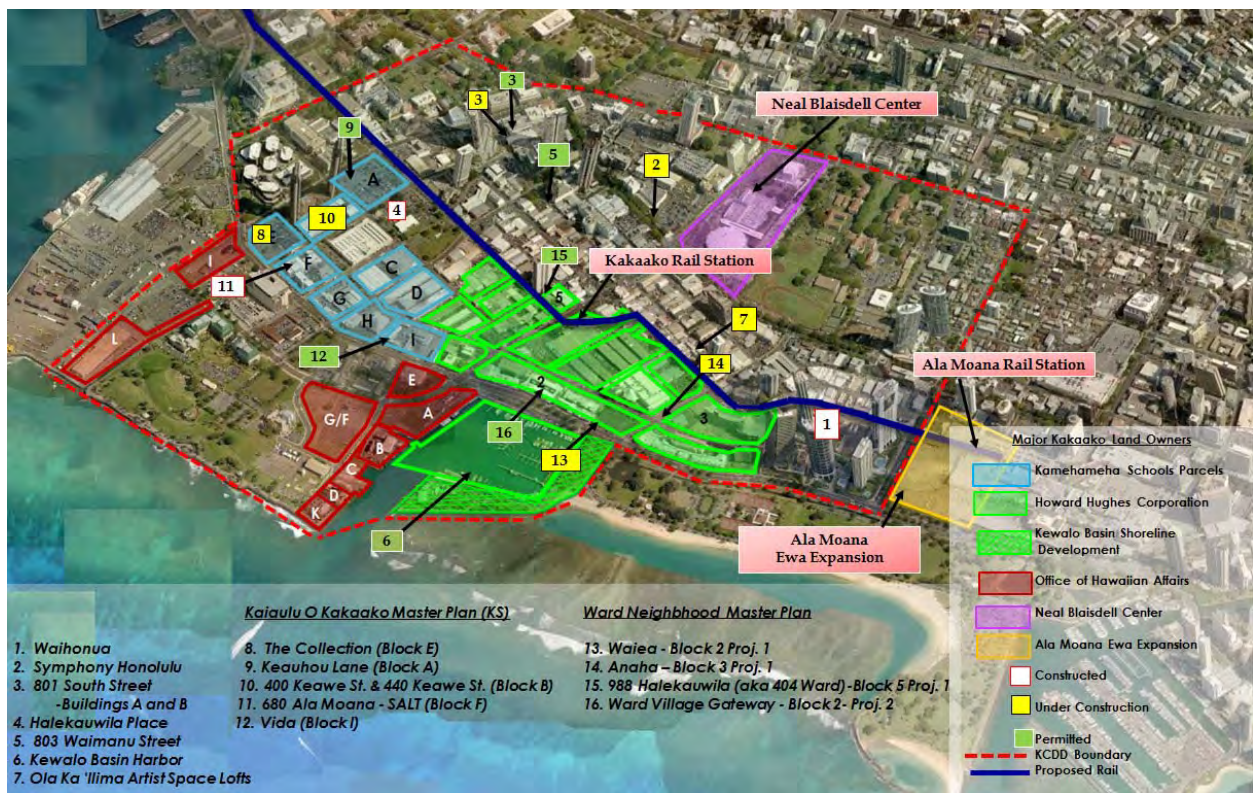
Approach to Market and Financial Analysis of Traditional Land Uses

The Kakaako Real Estate Market

Kakaako has emerged as the primary focus of new development in the State of Hawaii during the on-going economic up-cycle. While many areas in the islands are also experiencing major expansion, none

compare to Kakaako in regard to scale, number of under-construction and proposed projects, level of capital investment, and transformative impact. The centrally-located Honolulu district is rapidly evolving from its industrial roots into the modern, residential and commercial-oriented urban neighborhood which has been envisioned for a generation but only now is beginning to broadly achieve long-term objectives.

As shown on the map below, significant portions of the district are in-development or being master planned either as individual projects or under the guidance of major area landowners such as Kamehameha Schools, Howard Hughes (Ward Villages), the Hawaii Community Development Authority (HCDA), the City & County of Honolulu, and the Office of Hawaiian Affairs. Areas adjacent to Kakaako, along Kapiolani Boulevard and Ala Moana Center, are experiencing similar growth, with much of the construction thus far tending towards the upper-end of the market.



The multi-billion dollars of on-going and planned long-term investment will potentially add upwards of 10,000 high-rise condominium and apartment units, more than one million square feet of commercial floor area, and new/enhanced public spaces. The efforts by private and public landowners will be further supplemented by the new rail line which will bisect the district and the proposed upgrading of Ala Moana Beach Park and Kakaako Waterfront Park. The development is anticipated to provide a broad spectrum of new inventory, with housing units ranging from low income to ultra-luxury and retail and restaurants oriented toward neighborhood, destination and visitor patrons, all within a sustainable “live, work, play” community.

It is anticipated that within two decades (by 2035), Kakaako will be home to more than 32,000 residents, about three times the count at the 2010 census, attracted by the availability of housing; easy access to employment centers, services, activities, and minimized commuting times. Households are forecast to be meaningfully smaller and older than island wide averages.

The on-going “boom” in Kakaako is creating new opportunities for real estate uses, investment, and returns/profits, which could be enhanced with the implementation of Transit-Oriented Development and potential rezoning strategies.

The demand for and prices of building sites are strong and the availability of supply outside of the major landownerships are limited. Under-construction and proposed condominium units are being rapidly reserved upon offering, many at all-time high prices for Hawaii, although demand has been strong across all pricing levels. Among the upscale projects, which represent the majority of development launched to date, about half the buyers are off-shore purchasers, while those oriented towards market-priced and affordable units have been rapidly absorbed by local families with many having extended waiting lists.

While the cyclical nature of the Hawaii/Oahu economy will periodically impact the pace of development in the district, a market inertia and critical mass is being reached which will insure Kakaako remains at the forefront of Honolulu real estate demand and supply for coming generations.

Given this favorable market context, there is strong support for and a vital need to create long-term master planning strategies for the Office of Hawaiian Affairs (OHA) Kakaako Makai lands. The properties have a central location, extensive shoreline, offer expansive panoramas, and are nearby major under-construction and proposed projects.

In many respects the OHA holdings are superior to the mauka lands in the district that are the emphasis of the current construction and planning efforts and could potentially: support a wide-range of highly-competitive and profitable uses; capture a reasonable market share regardless of the other inventory being built; and offer favorable returns to the underlying land. However, in-place land use limitations, some encumbering leases, and a charged community/political environment may pose obstacles to maximizing the uses, densities, and value of the properties.

Study Scope and Objectives

The objective of the traditional real estate analysis within this assignment is to evaluate the properties from a prevailing market-based, economic perspective to identify and maximize potential returns to OHA. This is essentially an on-going four-fold process:

1. Provide an overview of the “greater” Kakaako market area’s population, economic, land use and development/capital investment trends at present and as forecast in coming decades.
2. Complete a market analysis of the potential uses of the OHA Kakaako Makai lands in regard to existing and proposed supply, demand for building sites and finished inventory, and costs to construct and prices achieved.

3. Determine the appropriateness of the OHA Kakaako Makai lands for the use types identified as offering the most favorable marketability and highest underlying land values.
4. Construct a series of financial feasibility models quantifying the potential returns to OHA associated with the various uses based on assumed scale/densities, construction costs, finished pricing and absorption, and other characteristics.

The results of our study will be used by the Collaborative to assist in creating a master plan for the OHA Kakaako Makai lands that not only achieves the cultural, educational and stewardship goals for the land, but also provides for the most favorable returns within a sustainable community framework. The results will additionally provide insight on the financial impacts associated with existing land use limitations versus seeking entitlements permitting wider ranging and more intense uses, such as residential uses.

To present the most comprehensive view of the potential for the properties, our study commenced with the assumption the OHA lands would be available for development with any legal urban use at competitive scales/densities apart from current land use conditions; a “maximal” perspective. Alternatively, we are also analyzing the holdings based on the in-place zoning and other limitations (including “no residential” scenarios); or “minimal” perspectives.

Among other issues being considered during each step of analysis are the probable timing of OHA site development and the relationship to economic cycles and construction of competing supply and the impact of land tenure (fee simple or leasehold) on use and marketability.

Market Study Parameters and Initial Indications

Given the physical, locational and market characteristics of the OHA Kakaako Makai lands, and the transformative development taking place nearby in the district, the subject properties can support higher orders of urban uses and result in the typically higher associated land values. We are in the process of completing market studies of five primary potential use-types and their relevant sub-set components.

Office

The Honolulu metropolitan office market, currently containing approximately 11.25 million square feet of gross leasable floor area (GLA), is generally comprised of three sectors which may be appropriate for the OHA sites:

- Standard/traditional office and business uses, as typified in the Downtown financial district towers, which comprise a significant share of the market.
- Medical office uses, a specialized sub-market either in free-standing or mixed-use buildings or in conjunction with major medical facilities
- Other Specialized uses, such as technology-oriented, research & development, institutional and government which can be housed in traditional office spaces or specialized improvements.

The traditional office sector in Honolulu has been relatively stable (“flat”) for many years, with few additions to supply and limited demand factors. In 2014, despite the widespread up-cycle economy on

Oahu, there was a negative absorption of 177,462 square feet of floor space, a vacancy rate of 14.6 percent, and continuing static rent structures.

The medical component is the strongest sector with significant demand and rapid absorption of new spaces in Honolulu. Medical space net rents are also up to twice that for traditional office space. Demand for medical office space in central Honolulu is expected to increase with an expanding and aging population, and Kakaako Makai could be reasonable location for medical uses in conjunction with the existing UH School of Medicine and Cancer Center facilities.

The other/specialized sector remains a minor sub-set of the office market with some potential for technology and R&D uses, but the current demand for institutional and government users is weak.

The on-going movement toward smaller, alternative work spaces, telecommuting, and “right sizing” of offices, in conjunction with scarce major new corporations locating to Honolulu and self-officing in the visitor industry, will inhibit demand for traditional office space over the mid to long-term.

With high development costs and a generally stagnant rent structure, returns to underlying sites are limited and may not be competitive with some alternative uses, but medical space could comprise contributory demand for the upper floors of a mixed-use commercial project.

Although the preference is for fee simple sites, leasehold office development is not uncommon in Honolulu.

Commercial (Retail/Restaurant/Service)

The Oahu commercial/retail market contains more than 13.6 million square feet in major centers (excluding in-hotel spaces) and has moved into a strong growth period in recent months. There is an estimated 2.2 million square feet in Kakaako in addition to the some 2.7 million square feet of space at Ala Moana Center once the on-going expansion is completed.

There are several sub-sectors in the market which would be appropriate uses to consider on the OHA Kakaako Makai lands:

- Visitor oriented, a wide-variety of boutique, specialty, international brand, craft and other stores competing for tourism shopping dollars.
- Neighborhood stores focused on serving the growing number of Kakaako residents in a community currently lacking in stores serving local households.
- Destination uses such as restaurants and specialty/themed projects, which attract a mix of visitors and residents.

The Honolulu retail market continues to show strength as development and redevelopment projects on Oahu, and throughout the State, show particularly strong activity in desirable locations. New national tenants are expanding and seeking prime space, and retail fundamentals are expected to further strengthen as new projects in the pipeline are delivered in the near to mid-term.

Rents for new/prime spaces have recovered in recent years, ranging from over \$4 per square foot to upwards of \$14 per square foot, often with additional percentage rents that can reach as high as 10 percent of sales volumes. These levels are sufficient to support the escalating costs of development and provide for meaningful returns to the underlying sites

There will be significant additions to the retail/restaurant and service commercial inventory in Kakaako over the mid to long-term much within the ground/lower floors of the numerous proposed residential and mixed-use towers being built and proposed. However, there will be “loss” of space as well from the redevelopment of Ward Warehouse to residential use, impacts from the rail takings, and other conversions.

Several of the OHA lands would provide a competitive location for these commercial uses, particularly for visitor-oriented and destination types (as evidenced at 53 By The Sea) and for neighborhood serving types in the mauka areas along Ala Moana Boulevard. Retail and restaurant tenants would also be part of the ground level podium structures for any mixed-use developments having other uses on the upper floors.

A key would be developing sufficient synergy/critical mass, an appropriate tenant mix or theme, along with adequate parking and access. As with office and some other uses, while fee simple sites are preferred, leasehold commercial development is common in Honolulu.

Residential

The Kakaako residential market is experiencing a major development up-cycle that is driving the transformation of the district. At present there are 17 projects containing nearly 4,500 total units which are permitted (1,585 units), under-construction (1,666 units) or have been recently completed (1,238 units). An additional 14-plus towers housing up to 5,500 units are in the planning stages with others being announced on a regular basis or expected to be part of emerging master plans. Another dozen projects with more than 4,000 units are under-construction or proposed for the Ala Moana neighborhood.

Even with this major expansion of inventory anticipated over the coming decade(s), the supply will fail to meet the housing needs of Honolulu residents.

There are four distinct sub-sectors within the market all of which could be appropriate for the OHA lands, all of which are showing strong absorption at increasing pre-sale prices:

- Upscale/Luxury condominiums oriented toward: off-shore purchasers, who typically represent upwards of 50 percent of purchasers; a broad spectrum of investors; and upper-income Honolulu residents.
- Market-priced condominiums generally oriented toward resident families with incomes above the 140 percent of median household income level, with secondary off-shore and investor components.
- Affordable-priced condominium and apartment units specifically oriented toward owner-occupant resident families earning between 80 percent and 140 percent of median household income levels.

- Specialty apartment and condominium units oriented toward identified segments such as senior housing and those earning less than 80 percent of the median household income.

The upscale segment is achieving pre-sale prices of between \$1,500 and \$2,500 per square foot of finished living space, establishing records in the Honolulu market. At such levels returns to the underlying sites are significant, despite the high costs associated with achieving the level of quality and extensive amenities required. However, there is concern over the depth of the buyer pool in the near-term and while most of the projects have achieved strong pre-sale absorption, and those that have reached completion are successfully closing sales, whether all of the reserved units close in a timely manner is a reasonable concern.

Projects oriented toward the market-priced segment are presently under-represented in Kakaako, but will comprise an ever increasing portion of the market as development moves from the prime near-waterfront sites currently the focus of the upscale segment to the second-tier and interior sites of the district. Product of this type which has been offered has been well-received with the several projects under-construction and entering pre-sale reaching 80-plus percent absorption or strong initial buyer interest. Finished unit pre-sale prices of \$700 to above \$1,000 per square foot of living area are typical, and support relatively strong land values. Appropriate design is critical in this category, providing sufficient unit size, quality and amenities to attract buyers without driving construction prices and maintenance costs to the upscale sector levels.

Affordable-priced housing is in chronically short supply in Honolulu, and although only a limited number of projects have been built or under-construction conforming to the pricing guidelines, they have been exceptionally well-received with all units offered being sold or reserved on a pre-sale basis, with many developments having extensive waiting lists. Prices are generally in the range of \$500 to \$700 per square foot, and have moderate quality and low (or no) amenity projects. The limited design and increased densities possible for projects meeting land use guidelines can still provide for a competitive return to the underlying land. Numerous proposed projects, particularly those most recently announced, plan to include some affordable-priced units within otherwise market-priced towers.

Specialty housing units are also in high demand with scarce available supply. There is a particular need for senior housing within the aging Honolulu community, providing appropriately-sized units with sustainable costs which could free-up larger existing homes for younger families. The difficulty is in constructing these units within a high cost market environment, with most either having some form of subsidized or government financing or built to fulfill affordability obligations within larger master plans. Returns to the land vary widely but are generally at the lower-end of the urban residential value range.

At present, residential uses are not permitted at Kakaako Makai, and legislative efforts would be required to achieve approvals. However, the potential for the OHA sites for residential use, and the associated returns, are substantial given their excellent view potential, near/on shoreline location, and proximity to employment, retail/service centers and parks. The resident population would also contribute to the demand for commercial businesses in the master plan.

Fee simple tenure would be required to be competitive in the residential market, apart from affordable-priced and specialty apartment projects which could be developed as leasehold.

Resort

The Oahu tourism industry is within a sustained and stabilizing up-market cycle with a record 5.16 million visitors arriving in 2014, staying more than 35 million total days, and spending more than \$7.1 billion. Expectations are for continued expansion in the near-term within a highly favorable long-term growth context.

Occupancy rates in Oahu hotels are currently in the low to mid-80s percent, among the very highest in the nation and indicative of an under-supply condition which has allowed Average Daily Rates (ADR) on the island to reach a record \$221 in 2014, up nearly 48 percent since 2010.

While Waikiki is within a major capital investment stage, it is generally focused toward renovation of the existing, aging hotel inventory. There are very few available/potential project sites in Waikiki and there have been a variety of preliminary proposals/announcements to develop free-standing hotels or as a component of mixed use projects in other Honolulu locations.

It is widely acknowledged there is a need for additional and modernized product on the island to keep pace with increasing visitor counts and remain an attractive destination for Asian and young adult visitors who favor new hotels. Our analysis indicates there will be a need for a minimum of 1,400 additional lodging units of all types by 2020 to meet demand, and meaningfully more if: those in the master planned Ko Olina and Hoakalei projects are not timely pursued; units within under-construction condotel projects are not placed in rental pools; and the County cracks down on the thousands of illegal transient vacation units throughout the island.

Developer and investor interest in the resort market is substantial, comparable to the Kakaako/Ala Moana residential market, and capable of providing similar and higher returns to the underlying land.

The OHA sites have characteristics which could support highly competitive resort development types, all in association with mixed-use ground/lower floor commercial uses, including:

- Urban resort hotel, a circa four star moderate to full-service branded facility under single ownership and oriented to a broader spectrum of guests than is typical for Waikiki.
- Timeshare/Interval ownership development continues to be in high-demand with new inventory under construction in Waikiki and existing projects showing strong absorption at increasing prices which provide an excellent return to the underlying site. Several major timeshare program operators are not currently represented in the Waikiki market and would welcome the opportunity to have a presence at an appropriate location in Honolulu.
- Branded residences as Trump Tower and the under-construction Ritz Carlton which are upscale condotel projects having individually-owned units primarily for transient use under the flag and operation of a major hotelier. The concept is proving successful in Waikiki, with the initial Ritz-

Carlton tower achieving sell-out on a pre-sale basis and the proposed second tower nearing full absorption.

The near/on-shoreline location, unmatched view panoramas (particularly of Diamond Head), proximity to oceanfront parks and desirable retail and dining destinations, and ease of access to the sights of Honolulu/Waikiki make the OHA lands superior opportunities for resort development. Their competitiveness could be further improved through creative land planning such the relocation of Ahui Street to create a larger waterfront development parcel or creation of a cove/beach along the Kewalo Basin channel waterfront.

Leasehold hotel development is very common in Hawaii, and typically offers an excellent return to the leased fee interest by providing both base/minimum rents an additional/percentage rents based on a percentage of gross revenues that allows the landowner to share in the upside operating potential. Fee simple tenure is preferable for timeshare projects, though some programs do permit leasehold product, and would likely be required to support a branded residence concept.

As with residential, resort uses are not currently permitted in Kakaako Makai and entitlement efforts would be required to achieve approvals. Resort uses, particularly timeshare units which have high occupancies and average party sizes, would provide a large de facto population and consumer base for the commercial components of the master plan.

Industrial

Although a somewhat lower-order urban use than those discussed foregoing, the current strength of the Honolulu industrial sector and associated high and increasing land prices deserve analysis and consideration given the in-place restrictions which could make the high returns for residential and resort uses unachievable.

Oahu currently has some 34 million square feet of industrial space with an overall vacancy rate of only 2.6 percent as of year-end 2014; the lowest for any market sector. Nearly 215,000 square feet of floor space was absorbed last year and rents are beginning to increase rapidly. Kakaako has 1.7 million square feet of industrial space, a figure which will decline as redevelopment continues in the district, and currently achieves higher rents than anywhere on the island apart from the acutely under-supplied windward side.

The limited (and in some respects decreasing) availability of developable industrial land, particularly in urban Honolulu, is commencing widespread appreciation in land values in what is expected to be a major upsurge over the near to mid-term. While the potential values would be at best half to 60 percent of the maximum achievable under the maximal residential or resort uses, it does provide a baseline for analysis.

Although it would not exploit the excellent view potentials or water-orientation of the OHA Kakaako Makai parcels, the sites are centrally located, have access to a major thoroughfare, and are proximate to many users of industrial services and goods.

Leasehold tenure is common in the Honolulu industrial land market and given prevailing land prices and return (or rental) rates can result in present values of sites under long-term leases being greater than fee simple values.

Next Steps in the Study Process

The next step in our assignment is to finalize our market study specifically quantifying demand for each identified potential use in Kakaako and at the OHA properties and forecast the probable market acceptance/absorption and prices each type of finished product could achieve under the maximal use perspective. We will also complete a similar process under the minimal use perspective.

The general underlying range of land values will then be estimated for each use and scenario based on comparison with prices being achieved for similar holdings elsewhere in Honolulu and via preliminary residual analysis wherein the return to the land is based on an analysis of the build-out and absorption of a hypothetical development of various uses, types and scales. The results will be within the context of the minimal to maximal perspective continuum.

The results of our investigation and analysis will be presented in narrative and tabular reports at appropriate stages in the planning time-line.

As the master planning process continues toward conclusion we will finalize land value implications associated with the uses and scales within the master plan alternatives, in consideration of timing, risk, competition, tenure and other factors.

Following completion of the master planning process we will publish our findings in a format suitable for inclusion in public reporting and entitlement documents.

Approach to Market and Financial Analysis of Cultural and Non-Traditional Land Uses

Cultural and heritage attractions can play an important role in defining and branding a real estate development. They can also be the differentiators between a traditional real estate development and a destination or district, as they can induce both development and visitation.

However, cultural attractions of all types typically require contributed income in the form of grants, donations, sponsorships, etc. to operate. They generally have a “double” bottom line of being financially viable but also working toward a mission that often involves culture and education. Thus, their business model requires two types of income: earned and contributed. The earned revenue from admissions, retail, facility rentals, and food sales can often cover services and experience for which people are willing to pay. However, contributed revenue such as foundation grants, corporate sponsorship, government funding, income from endowments and investments, or individual charitable contributions must often cover the mission-driven part of their work. Even commercial attractions, which do operate for profit, are not typically the highest value land use for a given site, but act as catalysts that create value for surrounding properties.

Given these economic realities, it is important to carefully evaluate the market for the proposed cultural attractions, including the available resident and tourist markets and the existing and proposed supply. It is also important to properly size cultural attractions, as both under and over sizing can result in financial and operational challenges.

In this section, we address three major areas:

- Principles of cultural development economics;
- Types of cultural attractions and ways to integrate culture into real estate development; and
- The methodology and approach we are using to assess the potential for cultural attractions at Kaka'ako Makai.

The purpose of this work is to ensure that for any cultural attractions that are developed on OHA's Kaka'ako Makai lands, there is market-driven research behind the concept and physical planning parameters, and that the financial requirements for the facility are integrated into the overall financial model for development at Kaka'ako.

Key Principles in Cultural Development Economics

1. Cultural facilities and expressions of culture can be successfully integrated into and sometimes supported by private real estate, but they need careful planning.

- Yerba Buena Cultural District (San Francisco) – The Yerba Buena Cultural District is perhaps one of the best examples of integration of real estate and cultural facilities. As a district, many of the cultural facilities have been supported as part of a redevelopment area that was created, and revenues from the private real estate help support the cultural venues. In addition, individual museums have been developed within this area and supported by real estate, including the Museum of the African Diaspora, developed within the St. Regis Hotel and Residences, and the Mexican Museum, which is currently being planned as part of the Millennium Partners luxury residential tower.



- North Vancouver Center of the Arctic & Pacific – This development was planned as a cultural district, where land was provided to develop market rate commercial uses along the North Vancouver waterfront at Lonsdale Quay in order to support a new maritime and water themed cultural attraction that would incorporate exhibits, outdoor recreation, and engaging visitor programming. The Center was not built due to the lack of Provincial funding, but the business model that was developed was a pioneering model in Canada at the time.
- West Kowloon Cultural District in Hong Kong – Planning for the West Kowloon Cultural District in Hong Kong has been underway for many years. The current plans include multiple performing arts venues, a museum of visual arts (M+), which has recently broken ground, and an arts exhibition center to be used for hosting local and international arts events. There is a

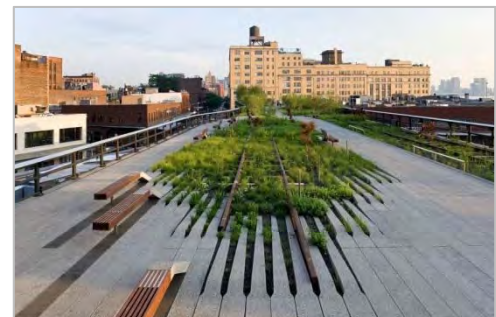
tremendous amount of private real estate, including hotels, residential, office, and retail development, all surrounding a new multi-modal transit hub, which is helping subsidize the cultural facilities.

- World Trade Center Museum & Memorial – The World Trade Center and Memorial includes a number of commercial real estate, attraction, and cultural uses. Given the significance of the site as a burial site and not just a heritage or cultural site, there were decisions around the design and architecture of the private and commercial real estate that were affected in order to be sensitive to the events that occurred on the site. While the financial structure and business model for these developments are complex with multiple development entities, the cultural and other visitor attractions have an important relationship with the surrounding real estate.

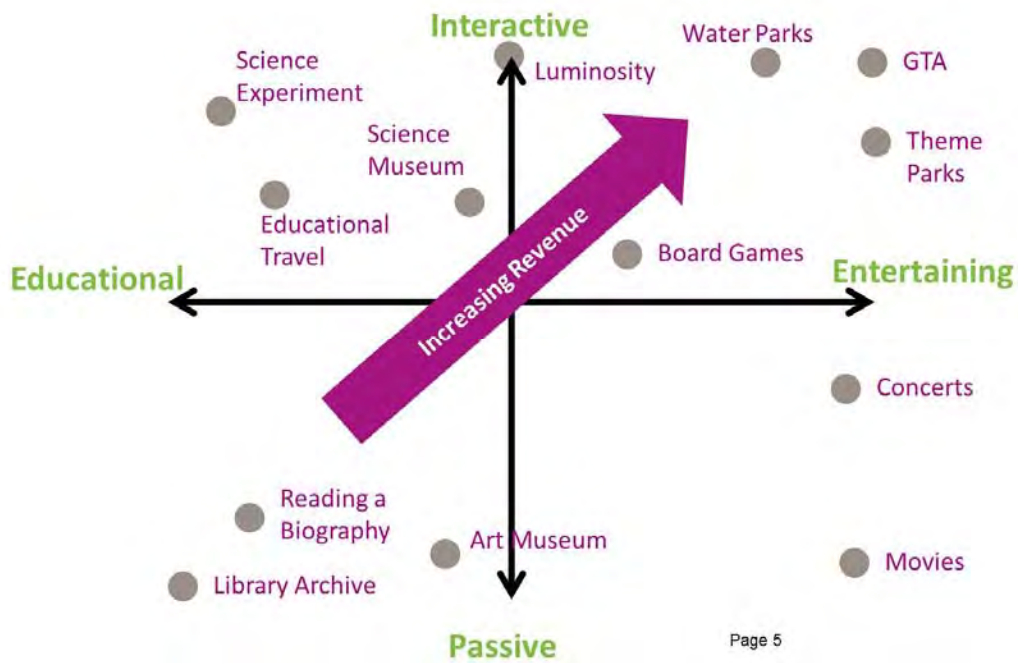


- Cultural facilities can catalyze development, create value for surrounding uses, and contribute to the development of a destination.* This has been demonstrated throughout the United States and internationally. Cultural facilities have been the catalyst of the revitalization of neighborhoods, increased the value of residential real estate, supported retail and restaurant outlets, and brought life back into downtowns. Some examples include:

- The City Museum of St. Louis, a somewhat unconventional museum that was at the heart of a large scale revitalization process undertaken by the St. Louis Downtown Partnership. The goal of the revitalization was to create a contemporary, family-friendly neighborhood in an area of largely abandoned warehouses. Housed in the 600,000 square foot former International Shoe Company Building, the City Museum describes itself as a mixture of children's playground, funhouse, surrealistic pavilion, and architectural marvel made out of unique, found objects. The lofts atop City Museum, a residential development by Cassilly built on the success of the museum, attracted a diverse group ranging from professionals to empty nesters and young families. The museum is one of the few entirely supported by earned income.

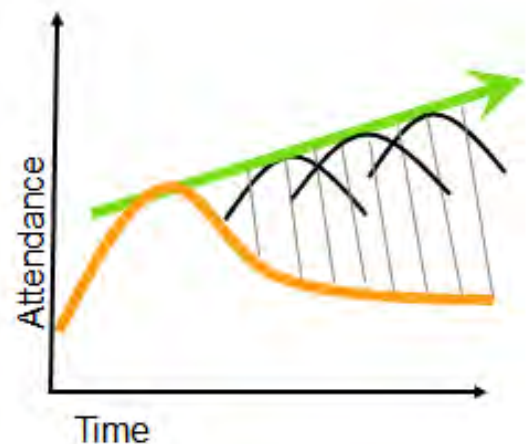


- The High Line, which in conjunction with the Whitney Museum of American Art new campus in Lower Manhattan, led to the revitalization of the meatpacking district in New York City.
 - The Denver Art Museum, where the new addition of the Frederic C. Hamilton Building led to the development of new residential buildings, restaurants, and coffee shops in the Golden Triangle neighborhood. Residential units facing the museum sell for a premium above those facing the mountains.
 - Durham Performing Arts Center, which in its first year of operations after opening, helped bolster revenues for restaurants and was the catalyst for new restaurant and retail openings.
3. *Financial viability and success are not the same thing.* It is important to balance mission and money, both within individual cultural projects, and in this case also as part of the overall development. The business model for the vast majority of cultural attractions includes both earned and contributed revenue, with earned revenue covering from 30 to 70 percent of operating expenses in most cultural attractions. The amount of earned revenue generally depends on the type of visitor experience. As shown in the figure below, the more interactive or entertaining the visitor experience is, the more likely it is for earned revenue to be higher. More academic, passive, or educational cultural facilities will likely require a greater percentage of contributed income to sustain the facility on an ongoing basis.



4. *Long term sustainability should be the focus of business planning.* Many cultural facility planning efforts focus on the financing, architecture, and construction of the facility, but is it important to also focus on the long term operational sustainability. Many times cultural attractions are included as part of larger real estate developments without much thought to how they will operate or sustain themselves, or their impact on the surrounding real estate. However, it is important, particularly given the importance of revenue and land value from the OHA Kaka’ako Makai properties, to carefully consider the financial implications of the facilities. Major issues that can affect financial viability include:

- Ensuring that the concept is right for the market;
- Creation of a signature visitor experience that becomes the “brand “ for the cultural attraction;
- A strong governance and management plan, combined with a quality board and senior management;
- Appropriate physical planning parameters – overbuilding can lead to operating costs that are too high, and underbuilding can result in a product that will not attract the visitation required to generate earned revenue;
- Planning for an adequate marketing budget;
- Minimal or no occupancy / real estate costs;
- An endowment/subsidy for operations – in this case, real estate development can take the place of or help fund this subsidy ; and
- Sufficient budget for operations and regular reinvestment. As shown in the reinvestment diagram, there is a relationship between reinvestment and attendance. Without regular reinvestment in the visitor experience and facility, attendance will erode over time. Regular reinvestment is required to continue to attract visitors.



Expressions of Culture in Real Estate

There are many ways to express or translate culture as part of a real estate development including architectural and design elements, programming as well as dedicated facilities and entire districts. Some examples of ways in which real estate developments have successfully integrated culture and heritage are shown below. Examples of each category follow. As part of our work, we will conduct an evaluation of the market potential and existing supply of many of these cultural attraction types in order to develop a market perspective on what cultural facilities may be most viable as part of the OHA Kaka’ako Makai sites.

Arts & Cultural Centers

There is a wide range of art and cultural centers developed around the world to express culture and heritage. Many focus on a combination of visual arts, performing arts, programming, history, and education.

Examples include the following:

- African American Museum, Dallas, TX
- Alaska Native Heritage Center, Anchorage, AK
- Institute of Texan Cultures, San Antonio, TX
- National Hispanic Cultural Center, Albuquerque, NM
- Chinese Culture Center, San Francisco, CA
- Skirball Cultural Center, Los Angeles, CA
- Guadalupe Cultural Arts Center, San Antonio, TX
- Maori Cultural Centre, New Zealand
- Maui Arts and Cultural Center
- Torpedo Factory, Alexandria, VA
- “Makers” Marts, various locations worldwide



Visitor /

Interpretive Centers

Visitor and interpretive centers are similar to cultural centers but are tied to a specific historic or natural site. They typically also include extensive programming, exhibits, and education. Some are very interactive and include highly entertaining elements, such as the Edinburgh Castle “Military Tattoo” sound and light performance.

- Gettysburg visitor center, Gettysburg, VA
- Loch Lomond , Scotland
- Freedom Trail, Boston, MA
- Temple Square and Visitor Center, Salt Lake City, UT
- The Alamo, San Antonio, TX
- Grand Canyon Interpretive Center, AZ



Places of Memory

Places of memory are similar to both cultural centers and interpretive centers, except they generally are dedicated to the memory of a specific historical incident or period of time and include a larger footprint beyond a specific facility. Many of the places of memory below include architectural and design elements, monuments or sculptures honoring a group of people, and dedicated facilities that interpret the story of the relevant period in history.

- Birmingham Civil Rights District, AL
- Green Island Culture Park, Taiwan
- Hiroshima Peace Memorial Park, Japan
- Jewish Quarter, Cologne, Germany
- Martin Luther King National Historic Site, Atlanta, GA
- Minidoka National Historic Site, Jerome, ID



- Robben Island, Cape Town, South Africa
- The Workhouse, Nottingham, UK
- World Trade Center Museum and Memorial, New York, NY
- Angel Island Immigration Station, San Francisco, CA
- Parque de la Memorial, Buenos Aires, Argentina
- Typography of Terror, Berlin
- Gadsten’s Wharf, Charleston, SC



Living History

Living history cultural attractions combine history with performers who often re-enact a period of time and historical characters. While sometimes thought of as catering towards tourists, there are museums and other cultural institution that incorporate elements of living history in their programming and education. Some of the better known examples of living history centers include:

- Plymouth Plantation, Plymouth, MA
- Colonial Williamsburg, Williamsburg, VA
- Conner Prairie, Fishers, IN
- Mystic Seaport, Mystic, CT
- Mountain Vernon Estate & Gardens, Mt Vernon, VA
- Greenfield Village, Dearborn, MI



Regional Science Centers

Science centers exist in some form in almost every community and typically include hand-on science activities, generally focused on an older youth demographic. There are also examples of science centers that have incorporated regional aspects of science into their programming and exhibits.

- Springs Preserve/Desert Living Center, Las Vegas, NV
- High Desert Museum, Bend, Oregon
- California Academy of Sciences, San Francisco, CA
- Wanuskewin Heritage Park, Saskatoon, Canada
- The Tech Museum, San Jose, CA



Garden Attractions

Garden attractions incorporate gardens and botanical elements into visitor attractions. Many have both indoor and outdoor components, some integrate lighting features that attract visitors in the evening, and many have a specialty focus. Examples include:

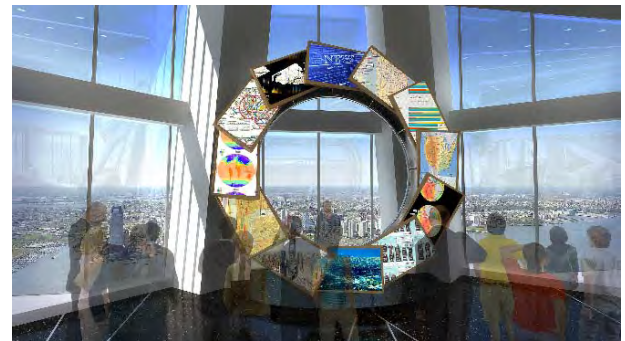
- Eden Project , United Kingdom
- Gardens by the Bay, Singapore
- Chihuly Gardens and Glass, Seattle, WA
- Longwood Gardens, Kennett Square , Pennsylvania
- Sun Yat Sen Gardens, Vancouver



View Attractions

While not traditionally thought of as a cultural facility, towers and other view attractions such as large wheels can be anchor attractions for other cultural destinations, and serve to interpret and inform visitors about the cities/places in which they are located.

Observation decks typically include some type of exhibtry related to the city, region, or site. Examples include the Space Needle, in Seattle which developed the Chihuly Gardens and Glass facility as a “second gate” cultural attraction and the CN Tower in Toronto, which now includes a Ripley’s Aquarium at its base. The new One World Observatory in New York is part of a larger development that includes commercial real estate, a museum and memorial. Some well-known view experiences are as follows:



- Empire State Building, New York, NY
- One World Observatory, New York, NY
- Top of the Rock, New York, NY
- CN Tower, Toronto, Canada
- Skylon Tower, Niagara Falls, Ontario
- Statue of Liberty National Monument, New York, NY
- Willis Tower Skydeck, Chicago, IL
- Space Needle, Seattle, Washington
- 360 Chicago, Chicago, IL
- Eiffel Tower, Paris
- Tokyo Sky Tree, Tokyo
- London Eye (Wheel), London
- The Shard , London
- Ion Sky, Singapore

- Tour Montparnasse 56, Paris

New Cultural Concepts

Finally, there are new cultural attraction concepts that are currently being developed. Major brands such as National Geographic and Smithsonian are often exploring the potential for new types of cultural facilities. Experiences such as FlyOver Canada in Vancouver and Sega Orbi in Yokohama integrate technology that has been used in the theme park and commercial attractions industry into cultural attractions. More traditional cultural institutions are facing growing pressure to entertain, engage, and utilize technology in order to compete for people's free time, and this is demonstrated not only in new types of cultural attractions, but also increasingly in the type of exhibits and programming within existing museums.



Methodology and Approach

Our approach to evaluating the economics of cultural facilities as part of the larger OHA Kaka'ako Makai market study can be divided generally into three major steps.

Phase 1: Market Assessment

The first step is to review and understand the overall concept for development, the site, resident and tourist markets, and competitive environment. Specific tasks include:

- A review of background materials and discussion with key stakeholders to understand goals, concept, and history.
- A review of community input to understand ideas that have been raised as part of the community engagement process and issues that may be important in evaluation of concepts.
- Assessment of the site from a market perspective, focusing on strengths, opportunities, and challenges for the development of cultural attractions.
- An analysis of available markets, including resident and tourist market size, projected growth, and key demographics, including propensity to attend cultural institutions and a comparison of aggregate institutional attendance per capita compared to other similar-sized regions.
- An evaluation of the competitive environment, focusing on performance of cultural and visitor attractions in the local market and the identification of gaps in the market.

Phase 2: Concept Development and Market Analysis

In the second phase of our work, we identify and review comparable facilities nationally, and to the extent relevant, internationally. We will collect key attendance and operating information and then develop key ratios and benchmarks that we will use to assess how cultural attractions perform in their own markets. We select comparable facilities based upon a number of criteria, including size of resident

and tourist markets, type of cultural attraction, development history, visitor experience or other elements that may make them relevant in some way to the OHA Kaka'ako Makai analysis. We draw upon our international database of cultural attractions and supplement with interviews to better understand important issues behind the quantitative metrics.

Based upon this review, we then develop a preliminary assessment of demand for each cultural attraction type, including likely visitation and earned revenue and other financial support.

Phase 3: Refinement and Financial Analysis

Finally, based upon the above two steps, we will refine the list of ideas for cultural attractions based upon a combination of OHA goals, market potential, financial viability, community input, and other factors as relevant. For the viable uses, we will develop a more detailed attendance, physical planning, and financial analysis, described as follows:

- Estimation of attendance potential – We use the penetration rate methodology for determining attendance potential, which is considered the “gold standard” in the attractions industry. We also use other key ratios to confirm reasonableness.
- Development physical planning parameters – Based upon the attendance, likely seasonality and visitation patterns, we develop physical planning parameters. We use two approaches, a capacity based approach that evaluates the “design day” attendance and required visitor area to accommodate visitors. We also use a “critical mass” approach which focuses on the amount of visitor experience area required to attract the market. The result is a market-driven estimate of the optimal size for the cultural facility.
- Financial analysis – We will evaluate earned revenues and likely operating costs by category, and based upon this estimate the amount of contributed income required on an annual basis to support the cultural attraction. We will also translate this into the size of endowment required.
- Integration into larger real estate context –The Hallstrom Group/CBRE and AECOM will work closely to integrate our findings into the broader real estate analysis to determine the financial and physical planning implications of the development of cultural attractions on the site.

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KAKA'AKO MAKAI

APPENDIX B

Civil Engineering Background Analysis Report



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COLLABORATIVE

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Evaluation of Previous Studies

Wilson Okamoto Corporation (WOC) has reviewed background material relating to the Office of Hawaiian Affairs (OHA) Kaka`ako Makai parcels. The findings are provided in this Civil Background Analysis Report which assesses the utility infrastructure servicing the OHA Kaka`ako Makai parcels.

WOC was tasked to review the “Due Diligence Investigation of Kaka`ako Makai Parcels; Appendix 13 – Utility Analysis” prepared by Belt Collins Hawaii LLC dated February 7, 2012; here-in-after referred to as the BC Study. WOC’s initial scope is limited to the review and summary of the BC Study for further evaluation and assessment of the civil utilities, namely sanitary sewer, water, and storm system drainage.

Included within the Concept Master Plan, WOC will further investigate these utility infrastructure matters as the Land Use Scenarios are further developed during Quarter 2 and 3 of 2015.

Project Area Description

The project area consists of 9 parcels owned by OHA in the Kaka`ako Makai area. The project area is generally bounded by Ala Moana Boulevard to the North, the Pacific Ocean to the South, Kewalo Basin to the East and Forrest Avenue to the West.

It should be noted that several of the TMK parcels shown in the BC Study in 2012 have since changed.

A table indicating the OHA parcel in relation to the Tax Map Key parcel numbers is shown below:

OHA Parcel Designation	TMK (2012 BC Study)	TMK (Current)
A	2-1-058: 095* & 125*	2-1-058: 129*
B	2-1-058: 002* & 035*	2-1-058: 130*
C	2-1-058: 124* & 126*	2-1-058: 130*
D	2-1-058: 048 & 2-1-060: 013*	2-1-058: 048 & 2-1-060: 027*
E	2-1-058: 006	2-1-058: 006
F/G	2-1-060: 005* & 006*	2-1-060: 026*
I	2-1-015: 061	2-1- 015: 061
K	2-1-060: 001*	2-1-060: 028*
L	2-1-015: 051	2-1-015: 051

*TMK changed since 2012 Belt Collins Study



KAKA'AKO MAKAI

OHA PARCEL LOCATION MAP

FIGURE

1



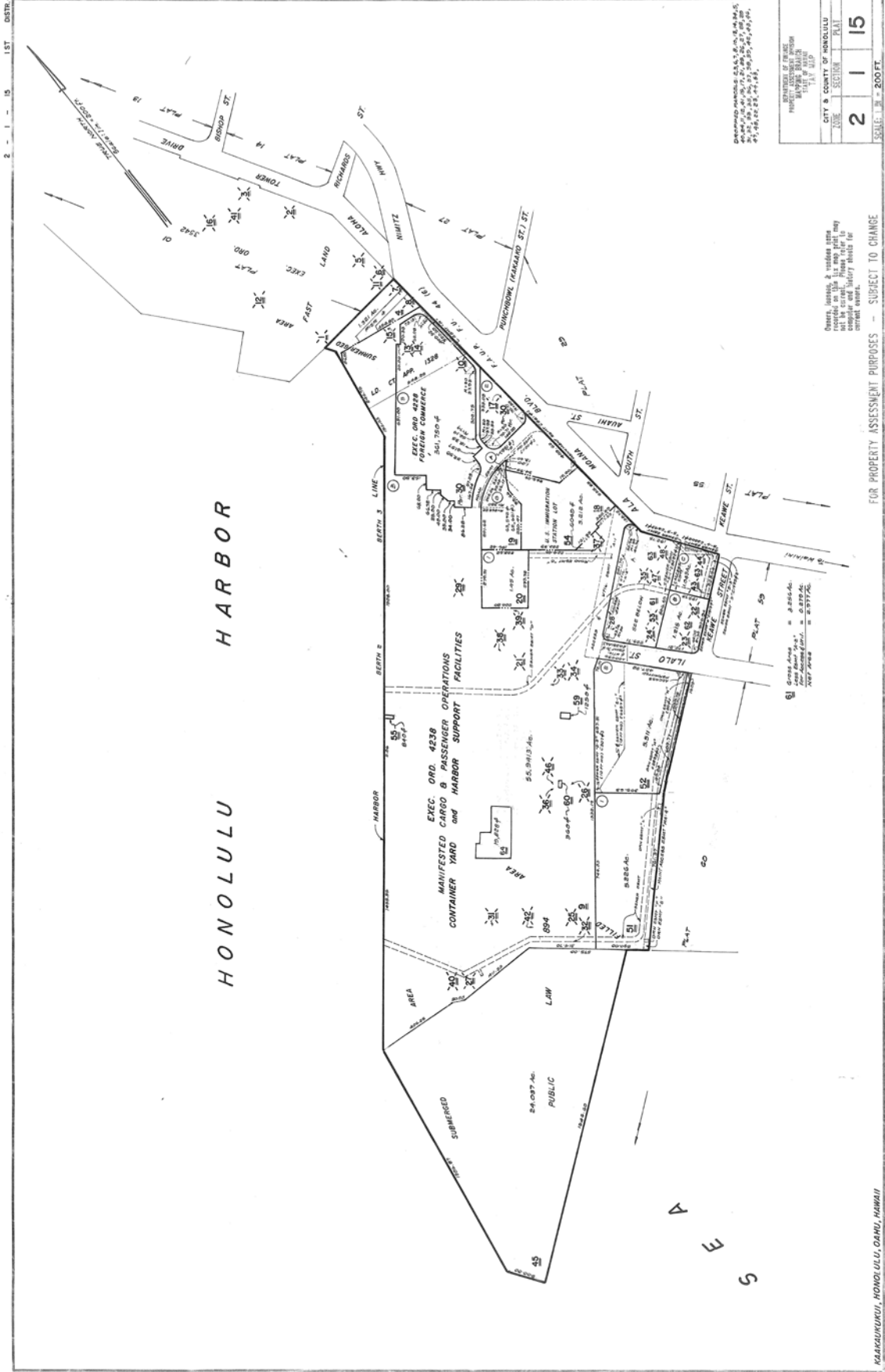
KAKA'AKO MAKAI

TMK: 2-1-060

FIGURE

3





KAKA'AKO MAKAI
TMK: 2-1-015

FIGURE
4



Sanitary Sewer System Overview

Per the BC study, the existing sanitary sewer system along the roadways surrounding the OHA Kaka`ako Makai parcels maintained and operated by the City and County of Honolulu’s Department of Environmental Services (ENV). The background material indicated that there were no sewer capacity issues identified at that time for the OHA Kaka`ako Makai parcels. However, it should be noted that the BC study was written based on 2012 conditions and the current proposed concept or types of development may have an impact on sewer capacity. These matters will be further studied and developed during the Land Use Scenario exercises.

A summary of the existing City sanitary sewer lines adjacent to each parcel per the BC study is provided below:

OHA Parcel Designation	Existing Adjacent City Sewer lines
A	15-inch sewer along Ilalo St.
B	12-inch sewer along Ahui St.
C	12-inch sewer along Ahui St.
D	12-inch sewer along Ahui St.
E	36-inch, 69-inch & 24-inch sewer lines along Ala Moana Blvd. 15-inch sewer along Ilalo St.;
F/G	12-inch sewer along Ahui St.; 8 and 12-inch sewer along Ilalo St.; 8-inch sewer along Ohe St.; 12-inch sewer along Olomehani St.
I	8-inch sewer along Forrest Ave.; 21-inch sewer along Ilalo St.
K	8-inch sewer along Ahui St.
L	8-inch sewer thru adjacent Parcel J to the north

Once an up-to-date proposed program and timetable or schedule is developed, it is recommended that sewage flow quantities be estimated and sewer connection applications for the parcels be submitted to the City and County of Honolulu’s Department of Planning and Permitting – Wastewater Branch (WWB) for review of adequacy of the City system. The City may require a sewer master plan in conjunction with the proposed development. WWB in conjunction with ENV, will review the sewer connection applications and/or sewer master plan and will then make a determination on whether to allow the proposed developed parcels to connect to its system.

During the design phase, based on the projected sewer flows from the proposed project, adequacy of the existing sewer lateral(s) serving each parcel will be determined and whether a new sewer lateral will be necessary.

Water System Overview

Per the BC study, the OHA Kaka`ako Maka`i parcels are serviced by the City and County of Honolulu’s Board of Water Supply (BWS) system, which was constructed by HCDA under previous improvement projects. BWS had previously indicated that the existing area water supply system was designed for industrial use, which has the highest fire flow demand of any land use at 4,000 gallons per minute.

However, it should be noted that the BC study was written based on 2012 conditions and the current proposed concept or types of development may have an impact on water availability. These matters will be further studied and developed during the Land Use Scenario exercises.

A summary of the existing BWS waterlines adjacent to each parcel per the Belt Collins Study is provided below:

OHA Parcel Designation	Existing Adjacent BWS Waterline
A	12-inch water along Ilalo St.; 12-inch water along Ahui St.
B	12-inch water along Ahui St.
C	12-inch water along Ahui St.
D	12-inch water along Ahui St.
E	12-inch water along Ahui St. 12-inch water along Ilalo St.; 12-inch water along Ala Moana Blvd.
F/G	12-inch water along Ahui St.; 12-inch water along Ilalo St.; 12-inch water along Ohe St.; 12-inch water along Olomehani St.
I	12-inch water along Forrest Ave.; 12-inch water along Ilalo St.
K	12-inch water along Ahui St.
L	12-inch water thru adjacent Parcel J

Once an updated proposed program is developed, it is recommended water availability request letter(s) for the parcels be submitted to the City and County of Honolulu’s Board of Water Supply for review. At that time, BWS will make a determination on whether the proposed project will be allowed to connect or if additional improvements to the BWS system will be required.

Based on calculated water demands from the proposed project, it shall be determined during the design phase whether the existing water meter(s) and lateral(s) servicing each parcel can be reused or if a new meter and lateral will be required.

Storm Drainage System Overview

Per the BC study, in general, the roadway drainage systems adjacent to the west OHA parcels (A, B, C, D, F/G, and K) were constructed as part of HCDA’s previous Improvement District projects. The storm drainage in these roadways consist of underground piping and discharging into the ocean at Kewalo Basin. The drainage system in the vicinity of the OHA ewa parcels (I and L) is owned by HCDA and the State of Hawaii Department of Transportation (DOT).

Per the BC study, past drainage reports associated with the design of the drainage system indicate the quantities of runoff from each parcel that can be discharged into the drainage system. Any excess storm runoff will need to be retained, reused, or disposed of on-site.

A summary of the existing drainage systems adjacent to each parcel per the Belt Collins Study is provided below:

OHA Parcel Designation	Exist Adjacent Drainage System
A	2-10’x4’ Box Culverts along north boundary; 13’x4’ Box Culvert through north end of parcel; 42-inch drain along Ilalo St.; 72-inch drain along Ahui St.; 72-inch drain through south end of parcel
B	72-inch drain along north boundary; 24-inch drain along Ahui at northwest corner; 24-inch drain along Ahui at southwest corner
C	24-inch drain along Ahui St.; 5’x3’ box drain along Ahui St.; 48-inch drain through south end of parcel
D	24-inch drain along Ahui St.; 48-inch drain along north boundary
E	30-inch and 42-inch drain along Ilalo St.* 5’x3’ box drain along Ala Moana Blvd.*
F/G	18-inch drain at intersection of Ohe St. and Ilalo St.; 5’x3’ box drain along Ilalo St.; 72-inch drain at intersection of Ilalo St. and Ahui St.; 24-inch drain at intersection of Ahui St. and Olomehani St. 42-inch drain along Olomehani St.
I	Box Drain through Ilalo St and into Parcel J to the south; 24-inch drain at intersection of Forrest Ave. and Ala Moana Blvd.
K	12-inch drain at south end of Ahui St.
L	18-inch drain through parcel along west boundary; 24-inch and 36-inch drain along north boundary; 30-foot open drain channel along east boundary

*Runoff from Parcel E was not considered in and excluded from the HCDA improvements. Connections from this parcel will require consultation and approval from DOT and/or the City.



The BC study stated that the existing storm drain systems in the vicinity of the OHA Kaka`ako Makai parcels require conformance with the respective Storm Water Management Program Plan (SWMPP). It is recommended that the project confirm the stormwater requirements with the respective agencies once the project program is developed and consideration be given during the design phase to accommodate storm water quality measures.

Flood Zones Overview

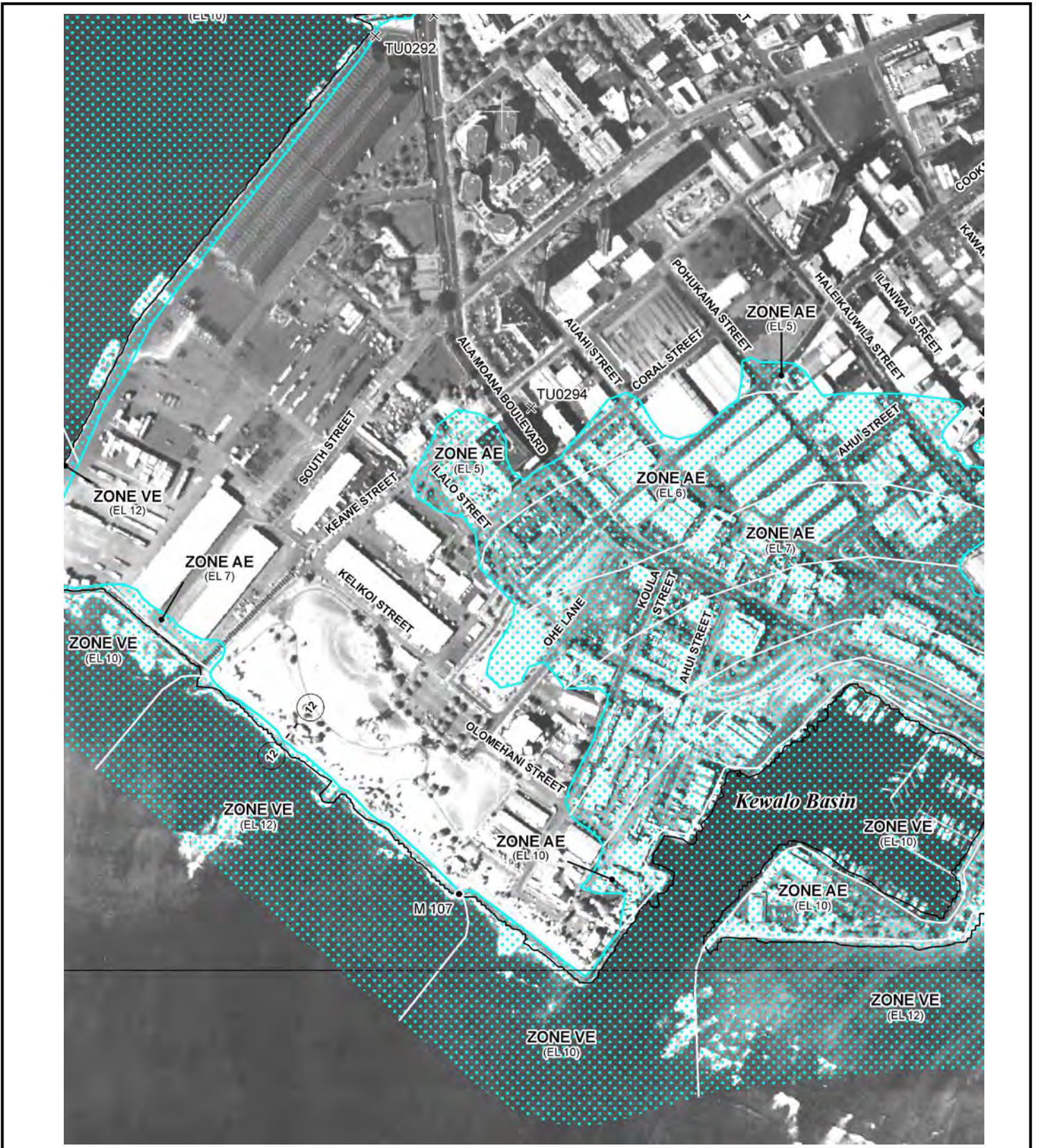
The OHA Kaka`ako Makai parcels are located within various flood zones as determined by the Federal Emergency Management Agency's (FEMA) Flood Rate Insurance Maps (FIRM). Per the information provided in the BC study, a summary of FEMA flood zones are as follows:

OHA Parcel Designation	FEMA Flood Zone
A	Along Kewalo Basin – Zone VE (Elev. 10); Zone AE (Elev. 9 & 10)
B	Along Kewalo Basin – Zone VE (Elev. 10); Zone AE (Elev. 9 & 10)
C	Along Kewalo Basin – Zone VE (Elev. 10); Zone AE (Elev. 10)
D	Along Kewalo Basin – Zone VE (Elev. 10); Zone AE (Elev. 10); Zone X
E	Zone AE (Elev. 8 & 9);
F/G	Zone AE (Elev. 7, 8 & 9); Zone X
I	Zone X
K	Along Kewalo Basin & Point Panic – Zone VE (Elev. 10); Zone X
L	Along Ocean – Zone VE (Elev. 10); Zone AE (Elev. 7); Zone X

A summary of the definitions of the various flood zones within the OHA Kaka`ako Makai parcels are as follows:

- Zone X: An area determined to be outside the 0.2% annual chance flood plain. No based flood elevations or depths are shown within this zone.
- Zone AE: The zone that corresponds to the 100-year floodplains that are determined in the FIS by detailed methods. In most instances, whole-foot base flood elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone.
- Zone VE: The zone that corresponds to the 100-year coastal floodplains that have additional hazards associated with storm waves. Whole-foot base flood elevations derived from the detailed hydraulic analyses at selected intervals within this zone.

A topographic survey to include flood zone mapping will be required to determine the flood zone locations. It should also be noted that the City and County of Honolulu will require any new building that straddles more than one flood zone be developed to comply with the most conservative zone.



KAKA'AKO MAKAI

Flood Insurance Rate Map (FIRM)

FIGURE

5



Parcel Overview

The BC study also provided a brief analysis related to issues such as encumbrances, easements, environmental concerns and other special design requirements for each of the OHA Kaka`ako Makai parcels. It is recommended that the project perform an update to the completed due diligence study to help determine potential issues and concerns that may be attached to the parcels that may affect or impact development requirements.

A summary of the potential issues and concerns identified in the BC study is as follows:

OHA Parcel Designation	Potential Issues and Concerns
A	<ul style="list-style-type: none"> • 25-foot wide drainage easement along makai boundary • Existing 13'x4' box drain running through mauka end of parcel requires easement. • Abandoned onsite drain inlets and piping removal • Phase 1 Environmental Site Assessment (ESA) recommended.
B	<ul style="list-style-type: none"> • Existing lease of Honolulu Marine • Wedge shaped parcel along Ahui Street may require future utility easements. • Existing drainage outfalls into ocean will need to be evaluated under redevelopment of site. • Phase 1 Environmental Site Assessment (ESA) recommended.
C	<ul style="list-style-type: none"> • Existing long term lease for KKFC. • Environmental concerns - parcel is under remediation for soil contamination. • 10-foot wide drainage easement along south boundary.
D	<ul style="list-style-type: none"> • Newly constructed commercial and restaurant facility with grease interceptor.
E	<ul style="list-style-type: none"> • Abandoned 48-inch sewer line encroaching into parcel. • Documentation of existing drain connections will need to be done to verify amount of storm runoff allowed from site. • Frontage improvements may require cost sharing from project to underground electrical lines. • Easement required for Kaka`ako monument sign.
F/G	<ul style="list-style-type: none"> • Abandoned onsite sewer, water and drain lines. • Suspected onsite abandoned cesspool for potential remediation. • Abandoned 48-inch sewer line encroaching into parcel.
I	<ul style="list-style-type: none"> • 60-inch City sewer force main bisects site – potentially relocated to a 25-foot wide easement into parcel from Ilalo St. • Second gravity sewer easement cuts across north corner. • 1.6-acre construction easement for force main construction staging. • Odor from adjacent City pump station. • Former curb and gutter and abandoned utilities to be removed may require remediation.

	<ul style="list-style-type: none"> Existing box drain servicing parcel goes through Parcel J to the south. Easement will be required, however redevelopment of Parcel J may provide obstacle. Access and utility easement on west side.
K	<ul style="list-style-type: none"> Existing drainage outfalls into ocean may need to be added to HCDA's MS4 permit if use is changed from park. Continued use of park area with parcel will require public access and maintenance easements. A maintenance agreement with HCDA for park grounds should also be executed.
L	<ul style="list-style-type: none"> Existing fire protection system does not meet Fire Code. Access to the parcel will need to be resolved – a legal access will need to be developed or continued use of the existing pavements will need to be formalized. TSA may restrict or discontinue paved access to Parcel L. Sewage from Parcel L currently runs through Parcel J to the north. Access from Keawe St. may also need agreements. Potential cesspool(s) for remediation and removal. 78-inch City sewer force main easement within east and south boundaries within parcel. Drainage easement within parcel. Onsite sewer may need to be pumped to connect to gravity system.

Further Review Recommended

To facilitate the OHA Kaka`ako Makai project development, it is recommended that further record information research and discussions be conducted with the various City and State agencies and departments to:

- a.) Confirm and update the information contained in the BC study.
- b.) Perform engineering analysis based on the proposed project program once developed.
- c.) Verify sewer and water system facilities charges.

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KAKA'AKO MAKAI

APPENDIX C

Traffic Engineering Background Analysis Report



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March 23, 2015

REVIEW OF PREVIOUS TRAFFIC STUDIES

Kaka'ako Makai

The following is a summary of several traffic studies conducted in the Kaka'ako Makai region spanning from Year 2005 to present. The summaries include specific land use assumptions for each of the proposed developments along with associated recommendations. Some of the individual recommendations are repetitive, and some may have already been implemented, while others identified within these documents may have not.

Kaka'ako Community Development District Makai Area, Transportation Plan

Prepared for Hawaii Community Development Authority

May 2005

Land Use Assumptions

- 221 acres with buildout to include a variety of land uses as shown in Figure 2 and Table 1 of the document (Attachment A and B, respectively).
- The traffic analyses were based on Years 2009, 2014, and 2025.

Recommendations

The following are the recommendations as listed in the document.

Year 2009

1. Maintain adequate turning radii at all roadways to avoid or minimize vehicle encroachments to oncoming traffic lanes.
2. Maintain adequate sight distances for motorists to safely enter and exit all roadways.
3. Extend Punchbowl Street from Ala Moana Boulevard to Ilalo Street. At the intersection with Ala Moana Boulevard, provide three northbound left-turn lanes.
4. Modify Ala Moana Boulevard west of the intersection with Punchbowl Street intersection to provide an exclusive right-turn lane for vehicles turning right onto the new Punchbowl Street extension, as well as, an additional westbound departure lane from the intersection. The additional departure lane will provide a free right-turn movement for the outer southbound right-turn lane along Punchbowl Street.

5. Restrict pedestrian crossing on the west side of the Ala Moana Boulevard and Punchbowl Street intersection. Crossings will be allowed across the east, north, and south sides of the intersection.
6. Modify the traffic signal timing and phasing at the Ala Moana Boulevard and Punchbowl Street intersection to accommodate a four-way intersection.
7. Provide two lanes of traffic in each direction along Ilalo Street with shared through and turning lanes provided at each intersection along its length.
8. Restrict access along Ilalo Street from adjacent parcels. Access points for adjacent parcels should be located along intersecting streets.
9. Prohibit parking along Ilalo Street.
10. Provide exclusive left-turn lanes on the northbound and southbound approaches at the intersections along Ilalo Street.
11. Provide all-way stop intersection control at the following intersections along Ilalo Street:
 - Cooke Street
 - Ahui Street
12. Provide two-way stop intersection control at the following intersections along Ilalo Street:
 - Coral Street
 - Ohe Street
 - *Koula Street*

Year 2014

1. Maintain adequate turning radii at all roadways to avoid or minimize vehicle encroachments to oncoming traffic lanes.
2. Maintain adequate sight distances for motorists to safely enter and exit all roadways.
3. Prohibit northbound and southbound left-turn and through traffic movements at the following intersections along Ala Moana Boulevard:
 - Keawe Street
 - Coral Street
 - Koula Street
4. Prohibit eastbound and westbound left-turn traffic movements at the following intersections along Ala Moana Boulevard:
 - South Street/Forrest Avenue
 - Keawe Street
 - Coral Street
 - Koula Street



5. Consider converting the existing left-turn lanes/striped median along Ala Moana Boulevard to a raised median to provide shelter for crossing pedestrians.
6. Prohibit parking along Cooke Street between Ala Moana Boulevard and Ilalo Street to provide two lanes in each direction along that segment.
7. Modify the existing lane use along Cooke Street north of Ala Moana Boulevard to provide an exclusive southbound left-turn lane and a shared through and right-turn lane.
8. Provide exclusive northbound left-turn, through, and right-turn lanes along Cooke Street south of Ala Moana Boulevard.
9. Verify the length of the left-turn lanes along Ala Moana Boulevard at the intersection of Cooke Street to provide adequate storage for vehicles at that intersection.
10. Modify the existing lane use along Ward Avenue north of Ala Moana Boulevard to provide one northbound departure lane, two exclusive southbound left-turn lanes, and exclusive through and right-turn lanes.
11. Provide two exclusive northbound left-turn lanes and exclusive through and right-turn lanes along Ilalo Street south of Ala Moana Boulevard.
12. Provide two westbound left-turn lanes along Ala Moana Boulevard for vehicles turning left onto Ilalo Street.
13. Modify the traffic signal timing and phasing at the intersections of Ala Moana Boulevard with Cooke Street and Ward Avenue to accommodate the modified lane configurations.
14. Conduct full traffic signal warrant studies for the intersections of Ilalo Street with Forrest Avenue, Keawe Street, Cooke Street, and Ahui Street after the Year 2009. Install traffic signal systems where warranted. Preliminary application of the warrants indicates the potential need for a traffic signal system at the intersections with Forrest Avenue and Keawe Street.

Year 2025

1. Maintain adequate turning radii at all roadways to avoid or minimize vehicle encroachments to oncoming traffic lanes.
2. Maintain adequate sight distances for motorists to safely enter and exit all roadways.
3. Prohibit northbound and southbound left-turn traffic movements at the intersection of Ala Moana Boulevard, South Street, and Forrest Avenue.
4. Reassess the traffic signal warrant studies previously conducted for the intersection along Ilalo Street where traffic signal systems were not warranted in the Year 2014. Install traffic signal systems where warranted.

Notes

- Transportation Plan was prepared in 2005 based on an anticipated development schedule.
- Some of the recommendation items are duplicated for each analysis year.
- Several recommendation items have since been implemented.



- Baseline traffic data outdated.
- Analysis confined to Kaka'ako Makai area.
- Analysis does not incorporate influences or effects of new or recent developments in the region.
- Appears the document needs to be updated to reflect current conditions and known development plans in the region.

OHA Office and Community Center

Prepared for Architects Hawaii Ltd.

May 2007

Land Use Assumptions

- 5.2661 acres. (See figures of the location map and site plan from the document as Attachments C and C1, respectively)
- Project entails the construction of 3-story building of approximately 71,410 square feet.
- Project to house OHA offices, classrooms, meeting rooms, museum, support offices, community gathering space, assembly area, open courtyards, food service leasable tenant areas, and other uses.
- Driveway access off Keawe Street
- The traffic analysis was based on Year 2010 projections.

Recommendations

The following are the recommendations as listed in the document.

1. Maintain sufficient sight distance for motorists to safely enter and exit all project driveways.
2. Provide adequate on-site loading and off-loading service areas and prohibit off-site loading operations.
3. Provide adequate turn-around area for service, delivery, and refuse collection vehicles to maneuver on the project site, and avoid vehicle-reversing maneuvers onto public roadways.
4. Provide sufficient turning radii at all project driveways to avoid or minimize vehicle encroachments to oncoming traffic lanes.
5. Convert the intersection of Keawe Street with Ilalo Street from two-way stop control to all-way stop control to accommodate the anticipated shift in traffic distribution at that intersection.
6. Implement a Traffic Management Plan and monitor the effectiveness of the plan.

Recommendations associated with the Traffic Management Plan include the following:

1. Implement flexible or staggered work shift times for employees when possible to minimize trips during peak periods of traffic.



2. Establish a bus pass program for employees to encourage the use of public transit. This initiative may be in the form of a subsidized program as an incentive to attract employees to use public transit as a mode of travel.
3. Provide adequate and secure bicycle parking areas to encourage the use of alternate modes of travel.
4. Encourage ride-sharing and establish a program to identify employees of same work shifts and similar travel routes that potentially may carpool together. The program should be initiated by surveying the work force and coordinating the matching of employees desiring to participate in the ride-sharing program. The program may also consider the assignment of convenient parking stalls for carpooling vehicles, as well as, discounted parking rates as an incentive.
5. Restrict deliveries to the building to off-peak hours when possible to minimize trips during peak periods of traffic.
6. Establish a procedure to monitor the effectiveness of the aforementioned transportation demand management strategies and update the traffic management plan periodically, at least every five (5) years, based upon the results of this assessment. For example, a form could be developed to track the number of employees participating in each program to determine if greater outreach or incentives are needed to increase participation.

Notes

- Traffic study was prepared in 2007 based on an anticipated development schedule.
- Baseline traffic data collected in 2007 and is outdated.
- Analysis includes Ala Moana Boulevard.
- Ala Moana Boulevard operating at capacity or near capacity under baseline conditions.
- Analysis does not incorporate influences or effects of new or recent developments in the region.

Cancer Research Center of Hawaii, Traffic Impact Report

Prepared for University of Hawaii

April 2011

Land Use Assumptions

- Part of John A. Burns, School of Medicine (JABSOM campus). See figures of location map and site plan from the document represented as Attachments D and D1, respectively.
- Project entails the construction of 150,000 square foot facility primarily intended to support research activities.
- Parking driveway access off Ilalo Street.
- The traffic analysis was based on Year 2013 projections.

Recommendations

The following are the recommendations as listed in the document.

1. Maintain sufficient sight distance for motorists to safely enter and exit all driveways and roadways.
2. Provide adequate on-site loading and off-loading service areas and prohibit off-site loading operations.
3. Provide adequate turn-around area for service, delivery, and refuse collection vehicles to maneuver on the project site to avoid vehicle-reversing maneuvers onto public roadways.
4. Maintain sufficient turning radii at all driveways and roadways to avoid or minimize vehicle encroachments to oncoming traffic lanes.
5. Prepare a Traffic Management Plan (TMP) for the Cancer Research Center of Hawaii that includes traffic circulation, parking, loading, and traffic demand management strategies.

Notes

- Traffic study was prepared in 2011 based on an anticipated development schedule.
- Baseline traffic data is outdated.
- Analysis includes Ala Moana Boulevard and shows roadway operating at capacity or near capacity under baseline conditions.
- Analysis does not incorporate influences or effects of new or recent developments in the region.
- Anticipates traffic generated by project to occur during off-peak periods.

University of Hawaii Life Sciences Campus

Prepared for University of Hawaii

April 2013

Land Use Assumptions

- Part of John A. Burns, School of Medicine (JABSOM campus) and Cancer Research Center of Hawaii (CRCH) facilities. See figures of the location map and project site plan from the document represented as Attachments E and E1, respectively.
- Project entails the construction of 100,000 square foot facility primarily intended to support research activities and parking structure.
- New parking driveway access off Keawe Street.
- The traffic analysis was based on Year 2017 projections.

Recommendations

The following are the recommendations as listed in the document.

1. Provide sufficient sight distance for motorists to safely enter and exit all driveways and roadways.



2. Provide adequate on-site loading and off-loading service areas and prohibit off-site loading operations.
3. Provide adequate turn-around area for service, delivery, and refuse collection vehicles to maneuver on the project site to avoid vehicle-reversing maneuvers onto public roadways.
4. Provide sufficient turning radii at all driveways and roadways to avoid or minimize vehicle encroachments to oncoming traffic lanes.
5. Update the Traffic Impact Report for the UH Life Sciences Campus when details regarding the implementation schedule for the two future research buildings is available.
6. Prepare a Traffic Management Plan (TMP) for the UH Life Sciences Campus that includes traffic circulation, parking, loading, and traffic demand management strategies.

Notes

- Traffic study was prepared in 2013 based on an anticipated development schedule.
- Baseline traffic data may be applicable to future analyses.
- Analysis includes Ala Moana Boulevard and shows roadway operating at capacity or near capacity under baseline conditions.
- Analysis does not incorporate influences or effects of new or recent developments in the region.
- Anticipates traffic generated by project to occur during off-peak periods.
- Recommendations similar with other proposed projects in the region.

Downtown Seawater Air Conditioning, Construction Traffic Management Plan

Prepared for Honolulu Seawater Air Conditioning LLC

November 2013

Construction Traffic Management Plan prepared to identify measures considered to reduce traffic impacts during construction.

Land Use Assumptions

- Cooling Station to be located in Kaka'ako Makai adjacent to Keawe Street.
- Project intended to route seawater to downtown Honolulu along Keawe Street, Pohukaina Street, Punchbowl Street, and King Street, with lateral connections along intersecting side streets.

Recommendations

The document does not contain any technical analyses but identifies several strategies to minimize traffic impacts to the surrounding roadways.

The following are the recommendations related to traffic control during construction of the project:



- Oversee construction activities to ensuring conformance with the traffic management plan and schedule of activities.
- Resolve traffic management conflicts that may arise between construction crews if actual progress or traffic control measures change from the planned schedules and traffic control plans during the course of construction.
- Follow-up on public complaints, investigate potential modifications of the construction work to the extent appropriate and feasible, and respond to each complaint concerning the actions taken or reasons why no action could be taken.
- Attend regularly scheduled meetings with neighbors to keep them informed of planned activities, identify concerns, and consider revised or additional actions to maintain access and facilitate pedestrian and vehicular traffic flow.
- Coordinate construction activities and traffic control plans with other private and public construction projects in the vicinity to minimize the overall traffic impact.
- Coordinate construction activities and traffic control plans relative to special events in the area that may require modifications to schedules or traffic control plans.
- Establish and maintain a Project “Hotline,” as well as design, host, and maintain a community outreach Web site. Log messages, refer comments and questions to the appropriate team member, document any concerns, and assist with preparing appropriate responses.
- Prepare and distribute project updates and construction notices via various media.
- Maintain and monitor a public information and complaint action log to ensure timely follow-up to comments, questions, and complaints.
- Arrange and conduct regularly scheduled meetings with neighbors to keep them informed of planned activities and solicit comments and suggestions to minimize disruptions.
- Attend and conduct meetings with community and industry groups and organizations to provide periodic updates on construction progress and upcoming milestones.
- Public news releases provided to newspapers, radio stations, and television stations for dissemination to the public.
- Attendance of Neighborhood Board meetings to update the Board and public on upcoming activities and changes to traffic patterns, as well as, to respond to questions and complaints concerning the construction work.
- New web page providing descriptions of current and upcoming construction activities.
- Variable message signs (VMS) placed at key locations to inform the public of current or upcoming significant changes to circulation such as roadway closures and detours.

Notes

- Plan was prepared in 2013 to address potential traffic impacts during project construction.
- No baseline traffic data provided.
- Dependent on construction schedule, may need to coordinate activities to minimize traffic impacts during construction.
- Any proposed project in Kaka’ako Makai may need to provide a Construction Traffic Management Plan.



ATTACHMENTS

Path: O:\WDC\7246-01_Kakaako Makai Upd File\name: 7246_Parcet Map Plot date: Apr 25, 2005-01:31:35pm CAD User: gmayeshiro.Xref Filename: 1



Not to Scale

Figure

2

Kakaako Makai Development Plan

DEVELOPMENT LOTS

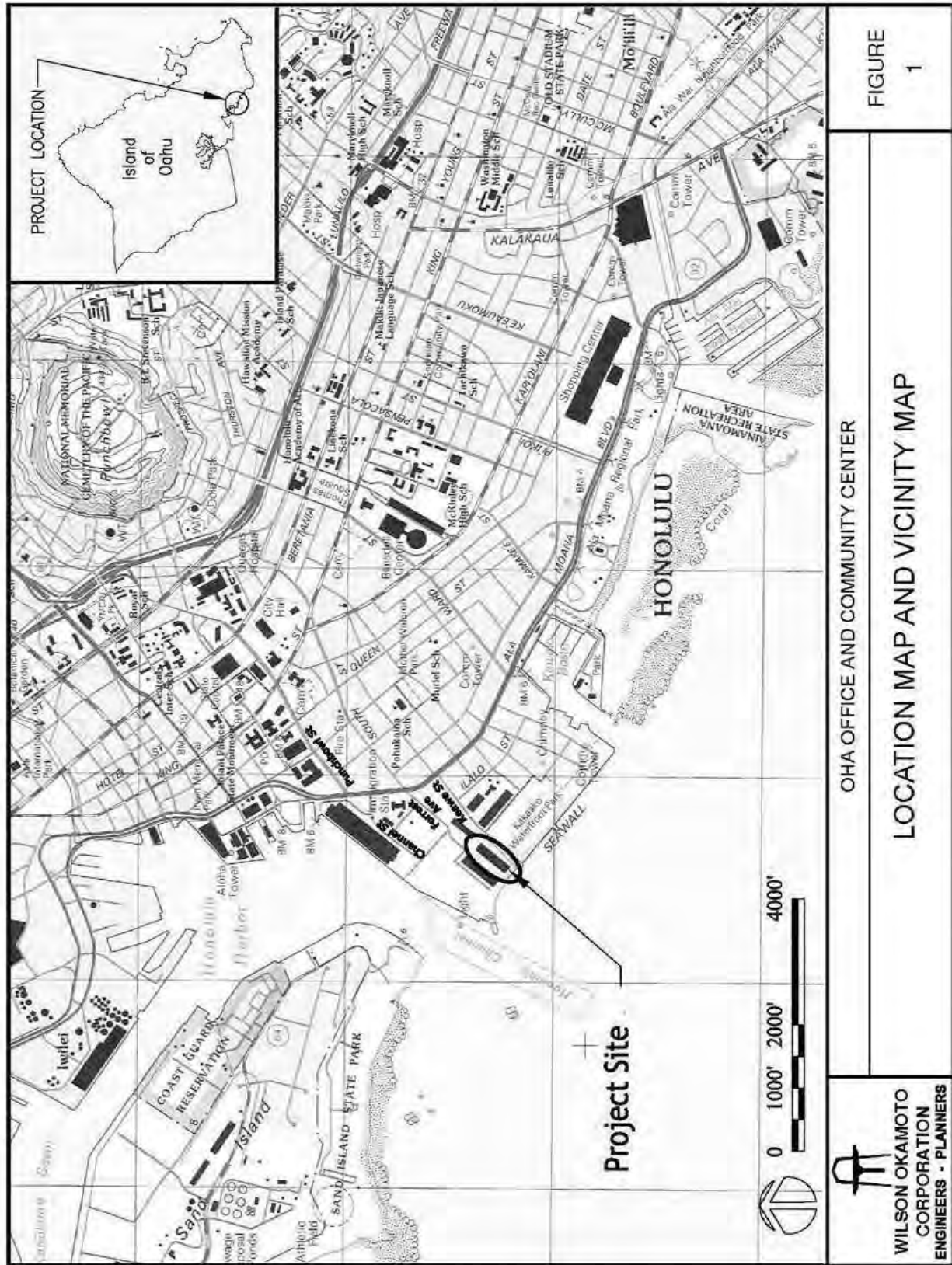


WILSON OKAMOTO & ASSOCIATES, INC.
ENGINEERS • PLANNERS

Source: Kakaako Community Development District
Makai Area

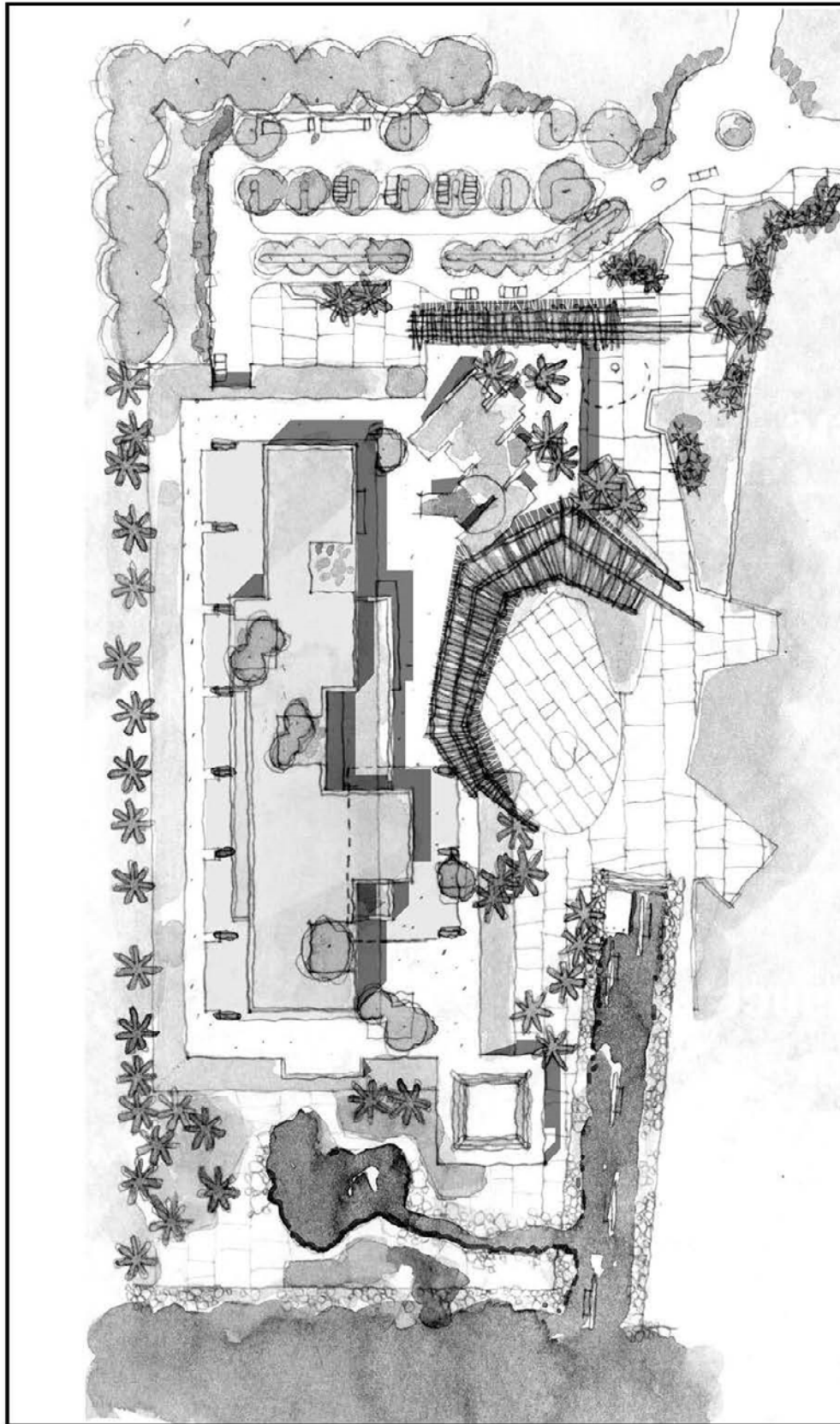
Table 1: Development Plan and Schedule

Development Date	Lot No.	Lot Size (Sq Ft)	Proposed Zoning	Existing Use	Anticipated Use
2009	7B	81,893	MUZ	-	Office/ Commercial
	8	143,748	MUZ	Honolulu Ford	Office/ Commercial
	13	239,580	MUZ	-	Office
	15/16	431,244	MUZ	-	JABSOM
2014	10	95,832	MUZ	Pflueger Honda	Residential
	14	230,868	MUZ		Office
	21A	174,240	MUZ		Parking Structure
	21B	152,460	MUZ		Residential
	22	579,348	WC	Kewalo Shipyard, Fisherman's Wharf Restaurant, John Dominis Restaurant, Pacific Biosciences Research Center	Residential (Parking on-site)/ Commercial (Parking provided on Lot 21)
	23	392,040	WC	Kewalo Basin Marine Mammal Laboratory, National Marine Fisheries Service	Commercial
2025	4	143,748	MUZ	-	Office/ Commercial
	5	45,738	MUZ	-	Office/ Commercial
	11	130,680	MUZ	Cutter Ala Moana (Storage only)	Residential
	12	95,832	MUZ	State Office Building	Residential/ Commercial
	20	405,108	MUZ	Look Laboratory	Public (parking provided on Lot 21)



Source: OHA Office and Community Center
Traffic Impact Report

Attachment C



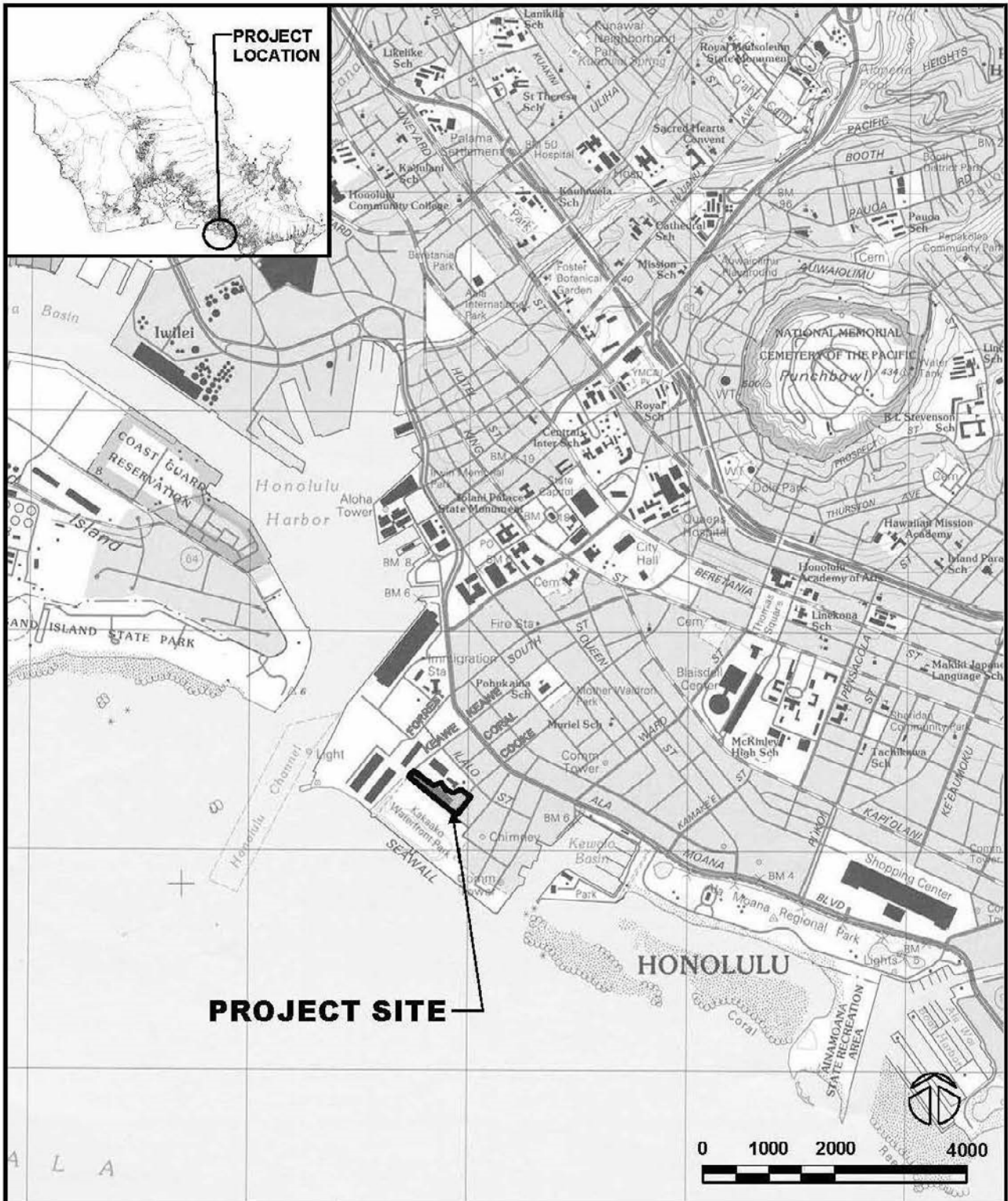
Source: Architects Hawaii, Ltd.

OHA OFFICE AND COMMUNITY CENTER

PROJECT SITE PLAN

FIGURE
2


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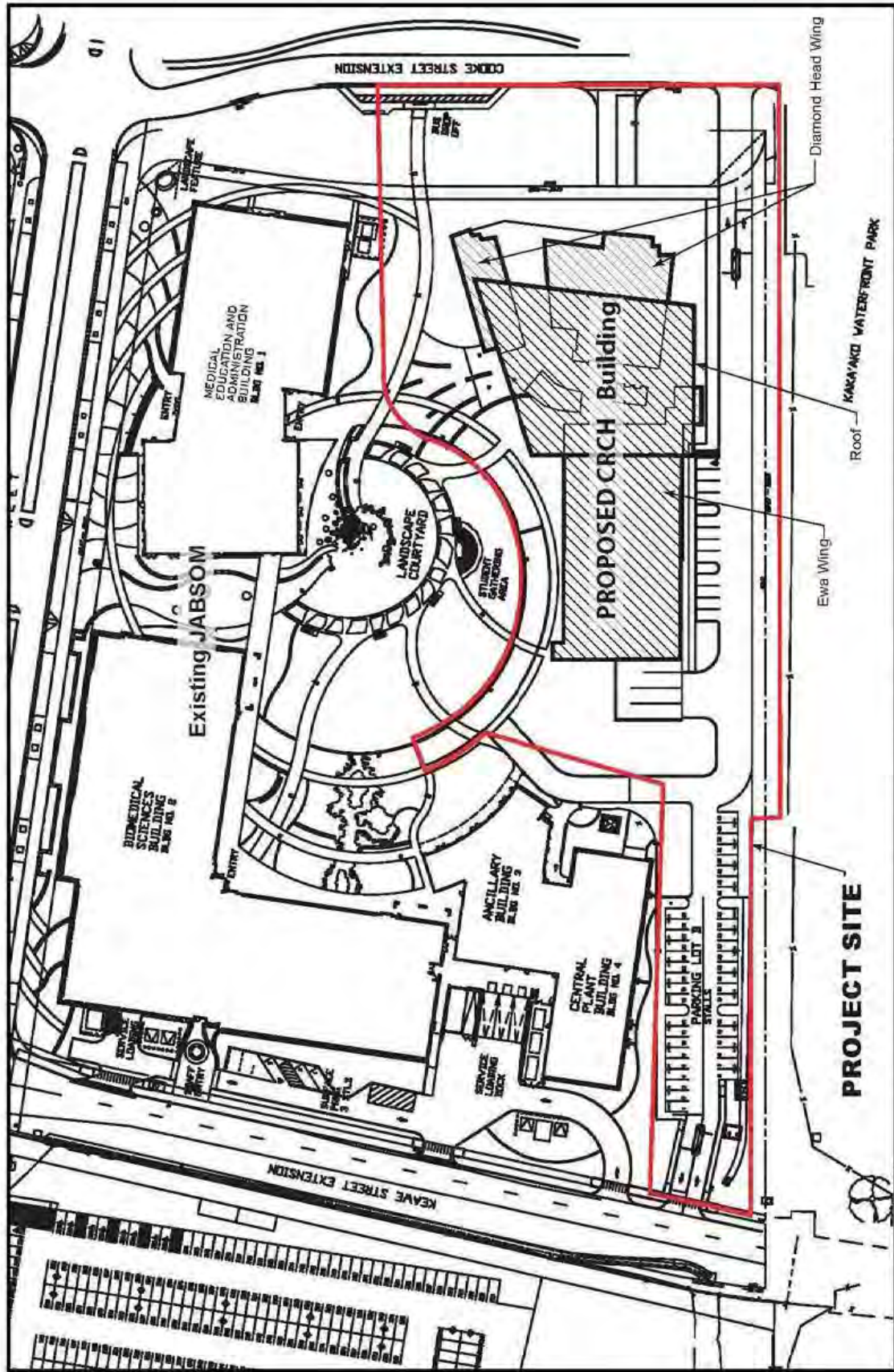


CANCER RESEARCH CENTER OF HAWAII

LOCATION AND VICINITY MAP

FIGURE

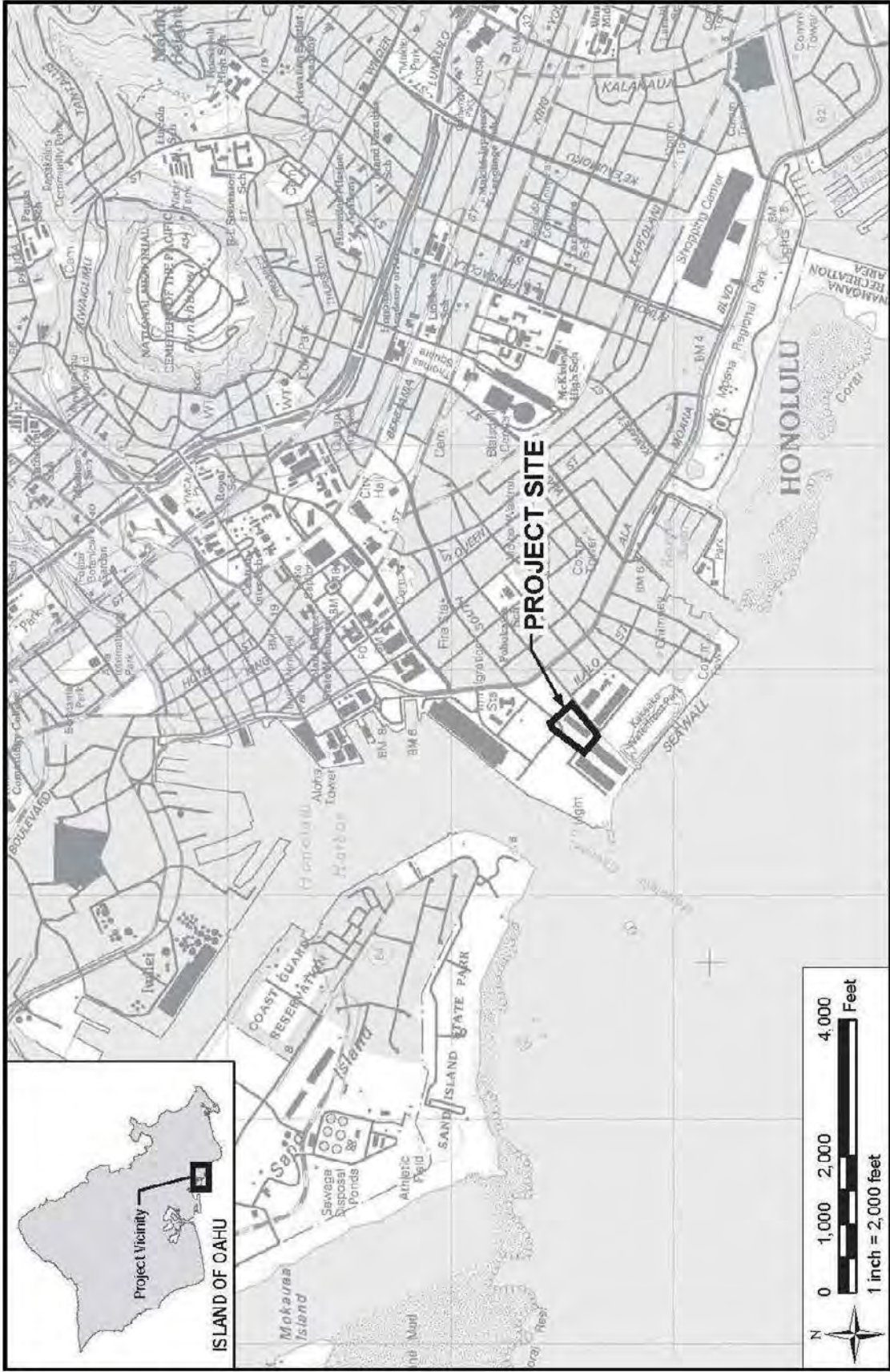
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ENGINEERS - PLANNERS

CANCER RESEARCH CENTER OF HAWAII
PROJECT SITE PLAN

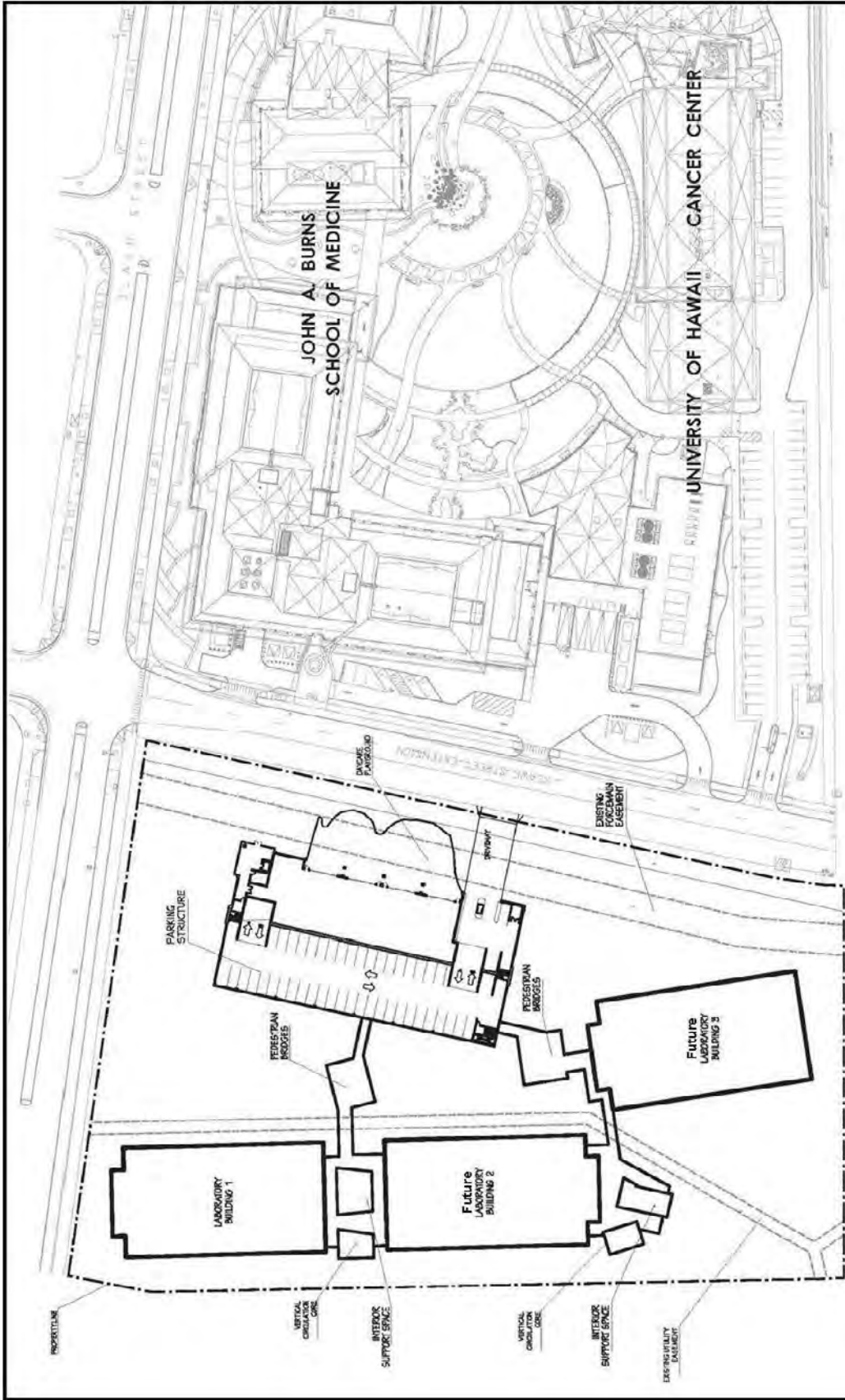
FIGURE 2



**UNIVERSITY OF HAWAII LIFE SCIENCES CAMPUS
LOCATION MAP**

**FIGURE
1**


**WILSON OKAMOTO
CORPORATION
ENGINEERS - PLANNERS**



Source: shimokawa-nakamura



**WILSON OKAMOTO
CORPORATION
ENGINEERS - PLANNERS**

UNIVERSITY OF HAWAII LIFE SCIENCES CAMPUS

PROJECT SITE PLAN

FIGURE
2

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KAKA'AKO MAKAI

ADDITIONAL STUDIES

1. Kaka'ako Makai Policy (OHA, 2012)



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OFFICE OF HAWAIIAN AFFAIRS
KAKA‘AKO MAKAI POLICY

First Reading: August 30, 2012
Second Reading: September 20, 2012

**Kaka‘ako Makai Policy
of the Office of Hawaiian Affairs**

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Kaka'ako Makai Policy of the Office of Hawaiian Affairs

PURPOSE

The purpose of this policy is to set forth guidelines for the management and development of its Office of Hawaiian Affairs' (OHA) Kaka'ako Makai parcels received through Act 15, Session Laws of Hawai'i, consistent with the existing Real Estate Vision, Mission, and Strategy Policy. The Real Estate Vision, Mission and Strategy Policy currently provides for real estate best practices and world class caliber developments. Factors affecting management and development of the Kaka'ako Makai parcels focus upon five objectives:

- 1) Relationship to OHA's vision and strategic priorities;
- 2) Design and use, including cultural values;
- 3) Revenue generation and proceeds;
- 4) Timetable and process; and
- 5) Governance and decision-making

The following set of policy guidelines reflects the objective of maximizing revenue and total returns to increase OHA's programmatic reach without compromising OHA's kuleana to perpetuate Hawaiian culture in OHA's management and development of the parcels.

POLICY GUIDELINES

1. Relationship to OHA's Vision and Strategic Priorities

Create synergy between OHA's Kaka'ako Makai parcels and OHA's vision and strategic priorities.

- A. Commercial kuleana to maximize revenues while providing economic development opportunities for Native Hawaiians.
 - 1) Create a sustainable revenue stream to support OHA's strategic priorities
 - 2) Create opportunities for Native Hawaiian self-sufficiency
 - 3) Create programmatic opportunities for employment of Native Hawaiians
- B. Cultural kuleana to incorporate Native Hawaiian culture in both intrinsic and extrinsic design elements and purposes.
 - 1) Proceed in a way that has in mind the transfer of the assets to the Nation

- 2) Raise an architectural landmark/signature that signifies Kaka‘ako Makai as a Hawaiian place
- 3) Create a sense of Nation - acting boldly

2. Design and Use, including Cultural Values

Ensure that cultural and stewardship values drive/provide the base for design and use decisions.

A. Create a Hawaiian sense of place – a cohesive Hawaiian identity that creates a place in which the physical structures and environment are connected to the socio-psychological, cultural and spiritual aspects of living Hawaiian that reflects the past, present and future.

- 1) Understand that history can guide us – consider the trajectory of historical uses of the area
- 2) Incorporate cultural uses
- 3) Introduce Kaka‘ako Makai as a meeting place for Native indigenous leaders of the Western hemisphere and Pacific Islands
- 4) Encourage uses and activities that attract Hawaiians and locals to Kaka‘ako Makai
- 5) Incorporate the cultural identity of the area - stories, names, guardians, wind and elements – as a guide for planning, design and use
- 6) Proceed with our cultural/kanaka foot
- 7) Create a signature architectural Hawaiian landmark

B. Balance pono and commerce.

- 1) Encourage cohesiveness among parcels/projects
- 2) Establish priority for qualified Hawaiian businesses and professionals
- 3) Incorporate mixed uses
- 4) Use green (environmentally friendly) technology
- 5) Prioritize the use of indigenous plants

C. Collaborate with other Native Hawaiian organizations

- 1) Work with Kamehameha Schools on potential partnerships with KS's adjoining properties
- 2) Work with other Ali'i Trusts

3. Revenue Generation and Proceeds

Balance near-term revenue stream and/with long-term financial and strategic goals and decisions.

A. Near-term kuleana to balance near-term revenue generation for programmatic use with long-term vision.

- 1) Create a sustainable revenue stream for strategic priorities
- 2) Allocate 10% of gross revenue for grants (*policy to be revisited in two years)
- 3) Set leases and other contractual arrangements at market value; anything below market value should be exceptions, and will require Board approval

B. Long-term kuleana to balance revenue generation with OHA strategic goals.

- 1) Maximize revenue generation, consistent with design, use, and cultural values
- 2) Balance pono and commerce

4. Timetable and Process

Develop a timely, accountable process.

A. Key planning considerations

- 1) Have an overall conceptual plan before considering or initiating major proposals
- 2) Establish a timeline for tasks that need to be accomplished

B. Key execution considerations

- 1) Engage professionals – finance, real estate, marketing, development, etc.
- 2) Maintain the momentum, in keeping with fiduciary duties

3) Proceed in ways that grow, preserve, and protect the assets to the Nation

C. Transparency and communication kuleana

1) Embrace community engagement – ensuring dialogue with the community and neighbors

2) Have a robust communications and information-sharing infrastructure

5. Governance and Decision-Making

Exercise appropriate leadership and management.

A. Vision for master planning and property management.

1) Implement knowledge-based decision-making

2) Establish efficient management

3) Act in ways that are consistent with Kaka‘ako Makai being a flagship of actions, values and leadership

4) Create a sense of nation - acting boldly

5) Retain policy direction at the level of the Trustees

B. Accountability

1) Lead with people who have financial, management, and development expertise

2) Complete an annual budget and a 5-year management and operating budget

UPDATE AND MAINTENANCE

The OHA Chief Executive Officer shall be responsible for the update and maintenance of these policies. A review shall be done at a minimum annually to insure that amendments or changes in the laws are duly incorporated or as requested by the Chairperson of the Board of Trustees or Chairperson of a Standing Committee.

STATUS / EFFECTIVE DATE

This document is effective as of September 20, 2012.



KAKA'AKO MAKAI

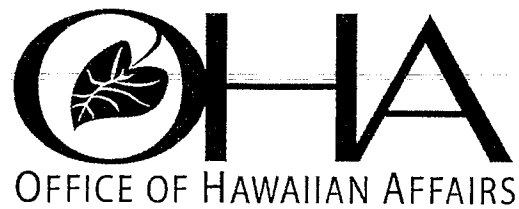
ADDITIONAL STUDIES

2. Real Estate Vision, Mission, and Strategy Policy
(OHA, 2007)



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OFFICE OF HAWAIIAN AFFAIRS

**REAL ESTATE VISION, MISSION,
AND STRATEGY POLICY**

First Reading: May 17, 2007
Second Reading: June 6, 2007

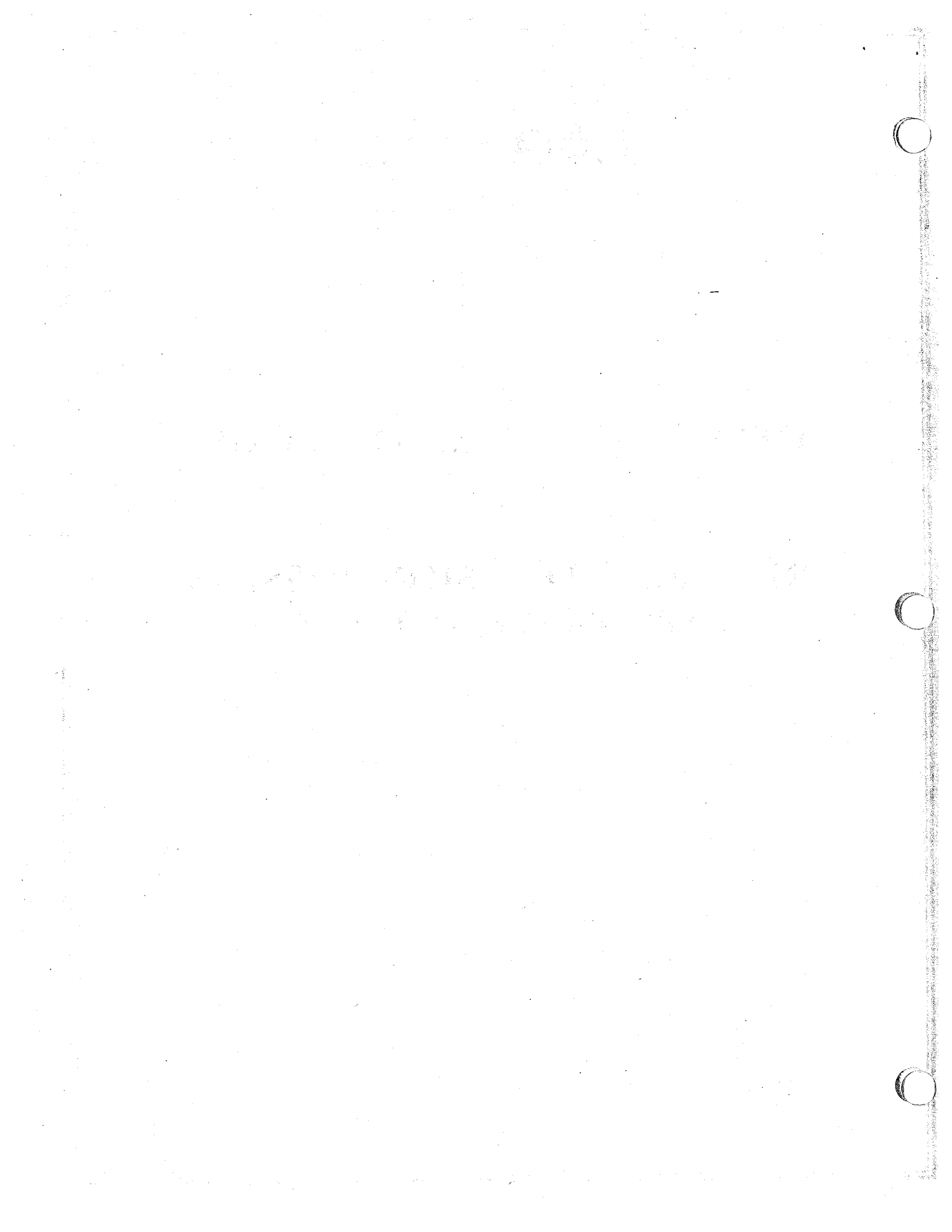
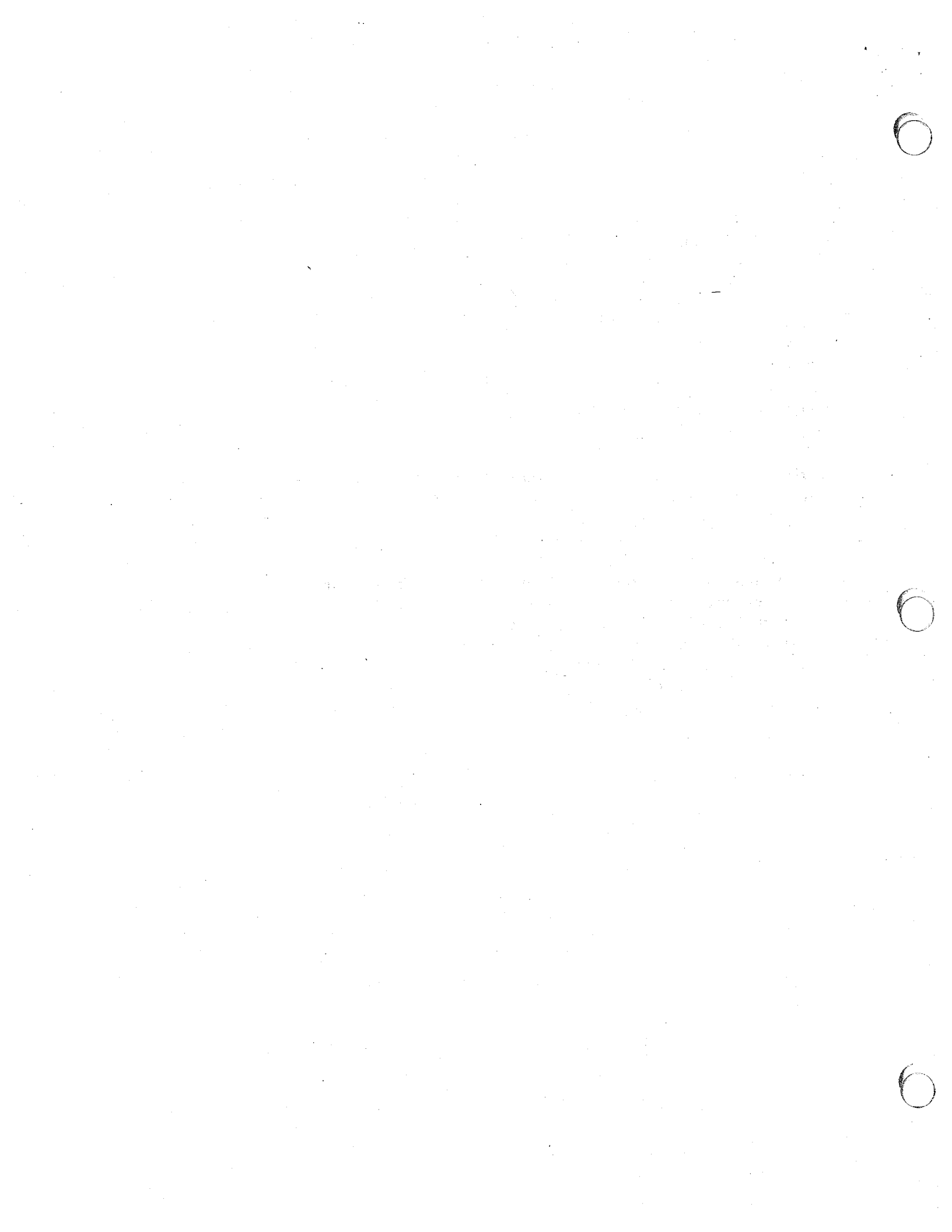


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I. VISION

The OHA real estate vision is to be the real estate partner of choice:

- By every person and entity with any involvement in Hawai'i lands: individuals, institutions, corporations, public purpose entities and government agencies.
- For any and every type of Hawai'i property and Property Involvement.

II. MISSION

OHA shall protect and preserve Hawai'i lands and their cultural significance by:

- Bridging the ancient use of lands with future land use patterns
- Advocating for land use and transaction practices and regulations congruent with the Hawaiian Sense of Place.
- Creating financially viable Property Involvements.

III. OHA REAL ESTATE STRATEGY

1. OHA Will Champion Real Estate Best Practices

A. Best Practices

- 1) The Board and Staff will model Best Practices in all OHA Property Involvements.
- 2) The OHA Real Estate Strategy shall be consistent with OHA's mission, values, goals, and resources.
- 3) The implementation of the OHA Real Estate Strategy will be guided by a congruent OHA Real Estate Business Plan and OHA Real Estate Investment Policy.
- 4) OHA Property Involvements shall be World Class and have congruency among the following elements:
 - a. Strategy
 - b. Structure
 - c. Staff

- d. Rewards
- e. Tasks
- f. Resources
- g. Systems
- h. Style.

5) OHA will meet Prudent Investing Standards applicable to investment properties.

B. Real Estate Asset Allocation Model

1) OHA shall prioritize resource allocation by adopting a Real Estate Asset

Allocation Model to include:

a. Legacy Lands

i. Conservation and Preservation Lands

ii. Cultural Lands

b. Corporate Real Estate

c. Programmatic Lands

i. Housing Lands

ii. Agricultural Lands

iii. Educational Lands

iv. Health & Human Services Lands

v. Community Lands

d. Investment Lands

i. Directly held Lands

ii. Value creation (development) Lands

iii. Real Estate Investment Fund

2) The Real Estate Asset Allocation Model shall be congruent with and developed in

conjunction with the OHA Investment Policy.

C. Prudent Investment Standard

- 1) OHA shall develop specific investment decision criteria consistent and congruent with the OHA Real Estate Business Plan and OHA Real Estate Investment Policy.
- 2) OHA shall conduct Due Diligence on all Property Involvements in order to assess risk and reward.
- 3) The implementation of Property Involvements will include the separation of (1) opportunity origination; (2) Due Diligence and evaluation; and (3) approval functions.

D. World Class Strategic Management

- 1) Trustees shall devote their attention, time, energy and resources to big picture, high-level, major policy priorities – not transaction specific deal-making.
- 2) The Board of Trustees shall emphasize policy making and approval of capital commitments.
- 3) Staff shall be responsible for implementation of the Board of Trustees decisions.

E. Mandatory Property Standards

- 1) Every Property Involvement shall be considered in light of and be consistent with Real Estate Asset Allocation Model and specific decision criteria.
- 2) OHA shall only consider Property Involvements in which a complete information package consistent with OHA specifications is provided.
- 3) Once a proposal for a Property Involvement has been submitted to OHA, Trustees shall have no contact, in any form (including social occasions) with any person associated with the Property Involvement until after the closing or a denial of the proposal.

- 4) Any Trustee who has any personal relationship with any person or any entity associated with a particular Property Involvement, shall reveal the nature of the relationship prior to voting on any associated matter. The Board shall, in consultation with counsel, decide whether that Trustee should be barred from voting prior to taking the vote.

F. Types of Property Involvements

- 1) OHA shall acquire the following kinds of Property Involvements:
 - a. Ceded Lands to be held in trust for the future Nation.
 - b. Other Property Involvements as part of a land base to support the future Nation.
 - c. Property Involvements that enhance the stature, self-respect, self-sufficiency and well-being of all Hawaiians.
 - d. Property Involvements that promote the well-being of all people with a connection to Hawai'i.
 - e. Property Involvements that promote and respect Hawaiian places and their sacred cultural traditions.
 - f. Property Involvements that provide places to promote OHA purposes, activities and programs.
 - g. Property Involvements that generate the financial resources to sustain OHA, its programs, purposes and mission.

G. Specific Decision Criteria / Dual Priority for Economic and Cultural Concerns

- 1) OHA shall develop specific decision criteria for each aspect of a Property Involvement.
- 2) OHA shall apply multi-factor decision model – combining financial and non-financial factors – to all property decisions.

- 3) Sacred land involvements shall have economic integrity, for if they do not, their financial sustainability shall be compromised and ultimately their sacred purposes shall be compromised.
- 4) Entrepreneurial, profit seeking land involvements must respect all OHA values, priorities and objectives.

2. OHA Shall Seek Portfolio Expansion

A. Beyond Ceded Lands

- 1) OHA shall proactively pursue control of Hawaiian properties beyond Ceded Lands.
- 2) OHA shall pursue control of Hawaiian properties beyond Ceded Lands in order to be the catalyst to transform Hawai'i land stewardship.

B. Collaboration and Relationships

- 1) OHA shall seek to partner with other organizations to pursue all of its land-based objectives – rather than independently trying “to do it all.”
- 2) OHA shall encourage private parties to pursue land involvements consistent with OHA values, priorities, and objectives.
- 3) OHA shall be an advocate/agent/representative/partner of multiple levels of government: federal/state/local.
- 4) OHA shall seek to be known as the pre-eminent joint venture partner for any property project in Hawai'i.
- 5) OHA shall seek to be the organization that those who care about Hawai'i – its people, its culture, its history, and its lands – choose as the recipient for their donations and their estates.

3. OHA Shall Seek Decision Making Influence over All Land in Hawai'i

A. Every Property in Hawai'i is Sacred

- 1) OHA shall promote the idea that every property in Hawai'i is sacred and pursue initiatives that help achieve a broad acceptance of this truth.
- 2) OHA shall pursue initiatives that respect the sacred qualities and cultural legacy of every property.
- 3) OHA shall address issues for each land parcel and Property Interest that reflect its sacred circumstances.
- 4) OHA shall model respect for the land and honoring Hawaiian Sense of Place.

B. Sacred Lands Assessment

- 1) OHA shall assess the sacred status and relative priority of every property in Hawai'i.
- 2) OHA shall implement a GIS-based inventory of all property in Hawai'i that includes information about property circumstances, owners, and their motives.
- 3) OHA shall initiate relationships with stakeholders of significant properties.

C. Advocate Superior Land Policy

- 1) OHA shall advocate that every property analysis and appraisal report for any property transaction shall contain an assessment of how that property and transaction may influence the Hawaiian Sense of Place.
- 2) OHA shall advocate that a precondition to implementing any proposed Property Involvement – particularly property development and modification - shall be an assessment of how that proposed Property Involvement would affect the Hawaiian Sense of Place.
- 3) OHA shall take leadership to articulate and document the Hawaiian Sense of Place.

- 4) OHA shall employ its power, stature, and influence to encourage responsible land stewardship and development.

D. Sacred Land Advocacy

- 1) OHA shall pursue education, advocacy, collaborative development relationships, legislative initiatives, and – where necessary/appropriate – litigation to protect, preserve and enhance Hawai‘i lands.
- 2) OHA shall protect Hawai‘i places that need protection.
- 3) OHA shall employ its power to encourage urban development that models the Hawaiian Sense of Place.

4. OHA Shall Establish Superior Organization and Infrastructure

A. Professional Property Investing and Stewardship

- 1) To provide competent, responsible stewardship of land in Hawai‘i, OHA shall develop its Land organization to a meaningful scale.
- 2) OHA’s Land organization shall contain diverse organization capabilities in order to respond to the diverse property priorities of OHA stakeholders.
- 3) OHA’s Land organization structure shall combine generalist professional skills in integrative functions with specialist knowledge and capabilities.

B. World Class Strategic Management System

- 1) OHA shall invest in technology, staff, data and expertise to classify all Hawai‘i land and property interests.
- 2) OHA shall obtain a comprehensive portfolio management database/system.
- 3) OHA shall leverage staff productivity by investing in sophisticated property analysis software plus data retrieval and project management automation systems.

5. OHA Shall Build a Strong Financial Foundation for All Property Involvements

A. Interlinked Financial Foundation

- 1) OHA shall provide organizational, managerial and financial support to facilitate the OHA Real Estate Strategy.
- 2) Each important OHA property shall be managed by a separate legal entity and supported by an independent foundation.
- 3) OHA shall establish where appropriate a family of Hawai'i land foundations at three levels:
 - a. Hawai'i
 - b. Each island
 - c. Each property/land parcel
- 4) OHA shall design an overlay governance structure to balance Trustee leadership and guidance with local community initiative and self-determination.
- 5) OHA shall encourage those who care about preserving the traditions of Hawai'i to invest in Hawaii's future through contribution of lands and money to the family of Hawai'i land foundations.

B. Prudent Real Estate Investment Policy

- 1) Capital investment decisions shall reflect risks and rewards.
- 2) OHA shall not set arbitrary limits or pursue one-size-fits-all capital budgeting, as that would be contrary to Best Practices.
- 3) OHA shall not set an arbitrary capital spending ceiling, as that would be in conflict with fiduciary duty to beneficiaries.

IV. STATUS / EFFECTIVE DATE

This document is effective as of June 6, 2007.



KAKA'AKO MAKAI

ADDITIONAL STUDIES

3. Kaka'ako Makai Strategic Action Plan
(OHA, Nov. 2013)



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Office of Hawaiian Affairs Kaka'ako Makai Strategic Action Plan



October 2013

Hui O Kukuluae'o



*E lau`ena ka wana`ao a ka lā
He lau i ka launahale o Pu`u`ōhi`a,
Lau ā lau nā lapawai o Kahuawai
Ua laupā`i ka hana
Ua lawa pono ka `ike
Ho`olaulā ka mana`o
E lauele i ka laukapalili ma Māmala
E laulima ka laukanaka
E lauaki kākou
I ke kūkulu kumuhana
ke kūkulu o ka lani,
ke kūkulu o ka honua
E laule`a ka nohona
E ola ma Kūkuluāe`o
E ola ma Ka`ākaukukui
E ola mai no e...*

*Glowing are the spearing rays of the rising sun
A budding leaflet in the forest growth of Pu`u`ōhi`a
Abundant are the cascading waters of Kahuawai
there is much work to be accomplished
Knowledge is ample if thoughts are aligned
then the mind is broadened
Envisioned is the trembling net at Māmala
the multitude in complete cooperation
Pooled together as of experts to concentrate
in the sacredness of thought and prayer to succeed
the pillars above the horizon
the pillars below the horizon
A restored relationship and life
Stemmed at Kūkuluāe`o
Stemmed at Kaakaukukui
Life indeed...*

Introduction

This document is the OHA Kaka`ako Makai Strategic Action Plan, which is a composition of reports and a summary of highlight and priority recommendations. This document completes the scope of services as identified under the Office of Hawaiian Affairs (OHA) Kaka`ako Makai Management and Development Services contract (No. OHA 13-02). On April 11, 2013, OHA engaged Rider Levett Bucknall, Ltd. (RLB) to prepare a recommended Strategic Action Plan to guide OHA with its planning, management, disposition, and development of lands in the Kaka`ako Makai region. RLB assembled a consulting project team (Hui O Kūkuluāe`o) comprised of land management development experts that include Group 70 International, Inc. and Sanford Murata, Inc. to collaborate with OHA's leadership in creating the framework for the development and evaluation of value-creation scenarios for the lands of Kaka`ako Makai.

Strategic Action Plan

The Strategic Action Plan (SAP) is a synthesis of the project team's findings, analyses and conclusions with recommendations to OHA leadership relative to the path that lies ahead regarding its responsibilities as the haku `āina (land steward) for the Kaka`ako Makai parcels. The SAP provides baseline information and outcomes of initial assessments and evaluations relative to land use opportunities that OHA decision makers can use to guide their decisions and actions. While seeking to attain its own goals and respond to the needs of its constituency, OHA leadership will be empowered to recognize and identify both internal and external influences in

the stewardship goals it seeks to attain. The SAP enables OHA to be flexible and agile in response to shifts in market and economic conditions and to circumstances that could ebb and flow with leadership prioritization and direction changes. It is intended to guide OHA's deliberations and decision-making as stewards of the lands and shape the future development in the Kaka'ako Makai area over time rather than prescribe or preclude specific parcel developments.

The SAP is an early step in the continuing and evolving series of planning and design that will subsequently be completed to attain both short and long term goals in the development and programming of these lands. The SAP is meant to establish a foundation upon which succeeding efforts can be developed and expanded. As a foundation document, the SAP provides a flexible structure, particularly in the baseline development strategy analysis, to accommodate changing conditions, directions and new opportunities as they arise. As presented below, the SAP organizes the information and conclusions of the specific contract deliverables into a cohesive context.

Background

In 2012, the State of Hawai'i transferred nine parcels of land (Property) to OHA to settle the ceded land revenue claims that date back to 1978. OHA expects the land to be a source of revenue to grow and support its programs created to enhance opportunities for Native Hawaiians. The Property consists of approximately thirty acres of state-owned land in the Kaka'ako Makai area. OHA is presented with the opportunity to plan and create a model urban waterfront community in Kaka'ako Makai that will serve as a beacon for Native Hawaiian values, practices, and deep knowledge.

The Property consists of nine fee-simple parcels ranging from 0.9 to 7.2 acres, for a total area of 30.718 acres. The Hawai'i Community Development Authority (HCDA) guides and oversees the redevelopment of land in Kaka'ako. Under HCDA rules, the land use zoning for the OHA parcels includes Waterfront Commercial (WC), Mixed-Use Zone (MUZ), and Mixed-Use Industrial (MUZ-I). With the waterfront location and adjacent park, OHA's Kaka'ako Makai lands are potentially the most valuable in Kaka'ako, if residential uses are allowed.

The Property is located in the Makai area of Kaka'ako and is subject to the HCDA's Makai Area Rules, which incorporate the Makai Area Plan. The project is bound by Honolulu Harbor to the west, Ala Moana Boulevard to the North, Kewalo Basin to the east and the Pacific Ocean to the south.

Pursuant to the contract, the project team completed eight specific deliverable tasks over the past six months. The following is a summary of the major conclusions and recommendations

derived from those specific tasks. A full and complete report of each work product is contained in the appendices of this report.

History, Cultural Landscape & Ancestral Connectivity

The first part of the SAP describes the rich history, cultural landscape and ancestral connectivity associated with the Kaka‘ako area. Understanding the history of these lands will give OHA a better understanding of how the past practices and the uses by Kanaka Maoli can shape the future development of the lands and their rightful place in the larger ahupua‘a. The document provides a cultural overview to determine a sense of ancestral connections to place through the identification and documentation of cultural practices known to be common within these lands and the surrounding landscape. The analysis of the cultural document primarily focuses on defining the relationship and responsibility of cultural stewardship between past, present, and future generations that provided a Kahua foundation for the SAP.

Nestled in the moku of Kona, in the ahupua‘a of Waikīkī, the parcels lie within the former coastline and nearshore fisheries belonging to the ‘ili of Ka‘ākaukui and Kukuluae‘o. Various native and foreign accounts consistently record that these lands were part of a larger and productive agrarian and aquaculture landscape that met the subsistence needs of the population in traditional times. Traditional practices included pa‘akai harvesting, fish pond farming activities, and other marine subsistence gathering activities that are still practiced today. Also of importance, the coastal and flat plains are well known for chiefly residence, healing practices, ancestral places, coastal trails, and burials.

The lands were once predominantly comprised of fishing grounds, coral flats and salt beds. However, the surrounding area underwent a major transition in the latter 19th and early 20th Century, which included development of salt works, a human quarantine center and cemetery, a coastal battery and fort, Native Hawaiian occupation, the Magoon tenement and the Ward Estate. By the early 1900’s, the area became a prime spot for large industrial uses, service lumbers schooners and commercial fisherman. In the mid-1900’s, the area was one of the first residential areas for working class families, with nearly 5,000 residents. Today, the area is undergoing a major transformation to create a modern urban mixed-use community.

In summary, there is a high potential of cultural relevancy and an opportunity to integrate cultural planning in the development of these lands. Although these lands are in-filled former reef lands, their proximity to the oceanfront, past related marine activities and practices, their visual and triangulation associations to other significant points of ancestral alignment, their accessibility, as one of the main publicly owned shoreline areas, and the opportunity for OHA to be the land steward makes this a viable cultural landscape in the urban corridor.

The report provides seventeen recommendations. Key recommendations that are highlighted here as potential priority steps in reestablishing a cultural connection to these lands as planning and design move forward include:

- a. Seek opportunities that restore orientation and cultural relationship to the restorative and regenerative powers of the ocean.
- b. Acknowledge and celebrate all animated forms of water as illustrated in a life cycle in lewa-mauka-makai relationship.
- c. Utilize Hawaiian astronomical concepts to develop site(s).
- d. Develop and maintain a visual corridor and triangulation alignment to significant geographic points within ahupua‘a and entire archipelago.
- e. Respect ancestral presence by creating space for meditation and ocean purification practices.
- f. Creating opportunities for the ‘ōlelo mākuahine to be utilized consistently and prominent at and Maoli art in public spaces.
- g. Restore a cultural kīpuka with the presence of appropriate kinolau to establish an urban coastal ecosystem.
- h. Consider gateway and arrival monuments themed to concepts of Ho‘oulu Lāhui Hawai‘i.
- i. Support preserving and restoring energy resource capacities for future generations.
- j. Establish and set-up organizational structure of an advisory ‘aha of recognized kumu, kūpuna, and loea that develop a list of required criteria to be included in all design reviews and to help initiate what a hālau ola, university, and/or global welcoming center within a Hawaiian context would be.
- k. Study the opportunities to engage the wa‘a community as a whole and consider potential of developing a portion of the OHA KM parcels as a hosting site for annual Moloka‘i Hoe, Nā Wahine O Ke Kai; and other canoe association races; and to be a home site for long distance voyaging canoe.
- l. Work with Hawaiian or community service organizations that have an existing presence in the area who help to perpetuate the legacy and heritage of place.
- m. Conduct Complete Streets study to guide and direct a more comprehensive approach to transportation that supports maui ola concepts and promotes healthy lifestyles (ie. tree-lined shaded pedestrian walkways, bicycle paths and lanes, etc.).
- n. Conduct Archaeological Inventory Survey and start early consultation with known cultural descendants within the ahupua‘a.

Charrette Vision & Strategic Priority

In August 2013, a two-day charrette process was conducted for the SAP. The charrette is a brainstorming session that is intended to elicit input from key community leaders and to gain a sense of their collective priorities. The subject of this charrette was to envision the future vibrancy of OHA Kaka‘ako Makai lands as an asset that requires a balance between commerce

and culture. For this Plan, the charrette sought to have an understanding of the lifestyles valued by community stakeholders, including OHA's Trustees and executive leadership; Ali'i Trusts and Hawaiian service organizations; neighboring landowners and educational partners; political representatives; and community, environmental, cultural leaders and potential partners. The major objectives of the charrette included the gathering of input from area and community leaders/stakeholders, prioritizing the many issues and ideas into the three major themes, and hearing of social, cultural and environmental concerns and issues pertaining to Kaka'ako. These are for the Trustee's consideration. The charrette process included five basic steps: lifestyle, major themes, configuration, minor themes and signature details.

As a result of the charrette meetings, three major themes were identified by the participants for the Strategic Management Plan:

1. Create a *kīpuka*, cultural oasis, where Hawaiian national identity can flourish and be celebrated among Hawaiians and local communities throughout the Pacific, but also serve as a welcoming place for global leaders to gather.

Commentary: As these lands were traditionally the coastal front and fishery of Ka'ākaukui and Kukuluae'o, the relevance is amplified for consideration these lands as a *kīpuka* with connection to the ocean wherein life flourishes and extends from a firm foundation. These lands can be a source of pride that embodies the Hawaiian national identity while defining and maintaining a Hawaiian sense of place and strategically become a place where global leadership can gather and immerse within an exclusive Hawaiian space, reflecting on issues with universal impact.

2. Support the development of a *cultural marketplace* that invests in intellectual capital, seeking possibilities of exploration and innovation in education, health and political leadership.

Commentary: The concept of *hālau ola*, a center of life and healing, speaks to the possibility of these lands being strategically directed to provide benefit to the physical, mental, emotional, and spiritual well-being for Native Hawaiians. Highlighted issues shared include the social and economic well-being of Native Hawaiians; promoting and supporting initiatives in sustainability, specifically food security and alternative energy; expanding on-going ocean research; and addressing the needs and impacts of an aging population.

3. Create a cohesive and multi-functional planned community that embraces a transformative ideal of *live, work and play*.

Commentary: The lands continue to be a place where communities live, work and play. Historically, the area supported the working middle class community and comprised a diverse heritage of different ethnicities. It is a place where people still gather to find

recreation, relaxation, and reflection within the urban corridor. The SAP includes alternatives for a sensible arrangement of a residing and working community whose density is appropriate and intimate enough for interaction.

These three major themes aim to elevate these parcels in a unique and distinct way as compared to other conventional real estate development. These themes involve values that are both global to Native Hawaiian cultural identity and intrinsic to the unique sense of place. The inputs gained from the charrette were utilized towards the development of scenarios in the Baseline Development Strategy.

Master Baseline Infrastructure Review

The master baseline infrastructure provides an overview assessment of the current existing infrastructure conditions and capacity of potable water, wastewater, drainage, roadways, circulation and other infrastructure issues in the Kaka‘ako Makai area.

The existing off-site infrastructure appears to be sufficient to accommodate the existing land use. The review lists some major recommendations and considerations for future development of the Property:

- An ALTA survey should be performed to assess properties, easements and restrictions.
- Although water supply is adequate under current conditions, development in the surrounding area can potentially affect available water supply and water pressure to the Property.
- Wastewater capacity should be reviewed prior to proceeding with development. Sewer laterals that require replacement are the responsibility of the developer/owner.
- Additional assessment should be made of proposed improvements with respect to the current flood zone during master planning.
- Topographic survey is needed to determine the extent of work associated with development within a Flood Zone and to address the potential sea level rise and flooding in the future.

In addition, sea level rise in the project area has been recently studied primarily due to unpredictable global climate changes and the unknown impact to our properties. In January 2012, a report by Dr. Charles Fletcher indicated that varying levels of sea level rise were modeled to determine the impact to the Kaka‘ako Makai area and surrounding areas. Dr. Fletcher’s analysis indicates that although vulnerable to inundation, such hazards are event-based with temporary impacts and development can be designed to withstand those events to achieve decades of useful life.

Market Assessment & Land Value Analysis

A critical component in the planning process is an understanding of the market conditions and land values that will influence the use of the lands. Primarily focused on revenue generation and land value, the analysis gives an overview of relevant market conditions and land implications. It provides a range of potential land uses that is feasible to pursue while being consistent with near-term market trends. The rationale is to gauge the potential viability of prospective land uses, based on current and past market demand trends.

The market assessment includes a summary of macro-economic data, demographic and other trends that impact residential and commercial uses and developments planned for Kaka‘ako.

Macro-economic factors indicate that Hawai‘i’s economy is generally healthy and ahead of national averages. The demographic and real estate trends for residential and commercial uses for Kaka‘ako indicate continued and sustained growth. Kaka‘ako is experiencing a real estate boom, fueled by the convergence of pent-up demand with the acceleration of the development plans for major landowners and developers, low-interest mortgage loans and the blossoming of Kaka‘ako as the heart of urban Honolulu.

In the next 10 to 15 years, as developments are constructed and new residents move in, the demographics of the population will be changing dramatically to account for the addition of families in the planned 10,000+ residential units. While demand has increased to international buyers, there is a pent-up demand for affordable housing residential units near downtown and Waikīkī. The median sales price for Kaka‘ako condominiums is currently \$630,000. Comparing this to a condominium in Honolulu, at \$330,000, Kaka‘ako condominiums indicate a surging demand and, combined with low housing inventory, low mortgage interest rates, and an improving economy with job growth, are motivating factors for developers to proceed with their developments. Kaka‘ako is a current hotbed for condominium and commercial property development and the trend is expected to continue for the foreseeable future.

An analysis of the Property’s land values was prepared to evaluate the revenue production capability for planning purposes. The land value analysis is comprised of the Property’s estimated land value and income potential provided as a basis for future consideration. It includes a comparison of adjacent land uses, market values as reported from two appraisal reports, a range of rates of return, ground lease analysis, and the residual land values for single-use projects.

The ground lease analysis stated that seven of the nine parcels are encumbered by ground leases which combined produce an annual base rent of \$1,017,183. The ground lease summary indicated that OHA is achieving a weighted average annual lease income of \$0.98 per

square foot of land. Typical returns on commercial properties with ground leases are about 7% to 8% of the unimproved market value of the land. Assuming an average return of 7.5% on the Property valued at \$200 million, the lands could potentially generate approximately \$15 million.

The baseline for the single-use projects was composed using hypothetical commercial and residential projects specifically for parcels F & G, which combined equal a total land area of seven acres. A consistent methodology was applied to compare financial results of certain land uses. The methodology uses a mixed-use zoning and a maximum allowable height of 200 feet. The pro forma models are shown separately for each project type. The project types studied included: a high-rise residential condominium of 624 units; a mid-rise rental apartment of 960 units; a single-level multi-tenant retail building of 237,500 square feet of gross leasable area; and a high-rise multi-tenant office of 593,950 square feet of net rentable area.

A table summary of the estimated residual land value of the project types shows the estimated square foot value of each land use type. These project types serve as a reference point to shape the alternative land use scenarios in the Baseline Development Strategy report.

Land Use Type	Dollars Per Square-Foot
Residential Condominium	\$219
Rental Apartment	\$20
Retail	\$72
Office	(\$245)

Baseline Development Strategy

The Baseline Development Strategy is based upon the synthesis and analysis of the preceding reports: Market Assessment and Land Value Analysis; the three major themes identified in the charrette process; the key findings from the infrastructure report; and the recommendations derived from the Cultural Analysis & Ancestral Connectivity report that are essential underpinnings for seeking balance between cultural and commercial use of the lands.

While the scope of services of the contract called for a minimum of three alternative scenarios, the project team developed a total of nine scenarios that were determined to be a suitable representation, enabling the project team to investigate a range of assumed values for potential land use activities. These alternatives should not be treated as alternative development scenarios typical under a Master Plan, but rather treated collectively to explore ideas and provide OHA leadership with a measuring tool that provides simple economic implications for a range of specific land use activities.

The nine scenarios considered six land uses, some of which are allowable under current land use zoning and use designations under HCDA, while the others represent feasible and

compatible land use opportunities for OHA leadership to consider. The Baseline Development Strategy uses include: commercial, hotel, industrial, residential condominium (at two distinct interval heights of 200 feet and 300 feet), residential rental, and park space.

Given the guidance from the major themes derived from the charrette to create a “live, work and play” environment, the alternatives include a residential component with a typical height allowance of 200 feet. The consideration of residential use in this analysis recognizes that currently under Hawaii Revised Statutes 206E-31.5, that the HCDA is prohibited from approving any plan or proposal for residential development in the Kaka‘ako Makai area. However, the residential development option clearly demonstrates the impact of residential use on land values at \$219/SF for these parcels.

The OHA Kaka‘ako Policy directs OHA to balance culture and commerce within these parcels. As such, priority must be given to the utilization of the HCDA Park use designation as a means to identify areas for passive (open space) or active facility space dedicated to developing cultural facilities, programs, and events within the parcels. Park space may be used for various culturally appropriate activities including those requiring facilities such as a performing arts center, museum, art galleries and workshops, gardens, aquariums and marine research facilities; exploratoriums, etc.

The following lists the nine scenarios with a brief description: Alternative A (Existing zoning) – the allowable uses under existing HCDA land use zoning and height allowances. Alternative A-1 (Existing zoning with office) – all land uses are the same as Alternative A except for parcel E, which is assigned for office use. Alternative A-2 (Existing zoning with hotel) – all land uses are the same as Alternative A, except for parcel E, assigned for hotel use. Alternative B (Residential-condominium and rental) – residential use was divided into two categories; 40% residential-condominiums and 18% residential-rentals. The remaining was assigned to commercial use and park use. Alternative B-1 (Increased residential-condominium and limited rental) – this divides residential into 51% for fee simple and 7% for rental. The remaining is assigned to commercial use and park use. Alternative C (Residential-condominium only) – Similar to B-1 in all land use assignments except for parcel E which is assigned for condominium use and represents 58% of land use allocation. Alternative C-1 (Increased residential-condominium and park use) – this alternative attempts to broaden the mixed-use distribution of Alternative C with the intent to increase residential rental to condominium use. Alternative C-2 (300-foot residential-condominium and increased park use) – this alternative increases the height allowance from 200 feet to 300 feet on one parcel and assigns 25% for park use. Alternative D (300-foot residential condominium with 50% park use) – this scenario analyzes the effect of increasing park space to near 50% of land use allocation for an extensive range of culturally based uses to be developed.

In summary, the alternatives provide a range of estimated land value between \$61 million and \$211 million. The scenarios provide what is currently allowed under existing zoning and the

potential for residential use. OHA leadership will need to determine what is a favorable portion and allocation of uses to achieve its desired residual land value goal. The Baseline Development Strategy will be used as a tool to guide OHA Trustees as they formulate an appropriate balance of land values and uses.

Recommendations & Next Steps

The project team recommends that OHA take the following steps in order to commence implementation of subsequent steps to this phase of work:

1. Using past policies and information articulated in the SAP, formulate and adopt a series of quantified objectives for the property, which will be the basis of a master planning effort. These should include the following:
 - a. Cultural activities and values to be incorporated into the development of the land.
 - b. The residual value target for the property.
 - c. The approximate proportion of the developed land that should be designated for “Park” use.
 - d. Commercial and other uses projected for the property and the approximate proportion of developed FAR that is to be targeted for each use.
2. With the above information, seek through an RFP process, a planning entity to work with OHA to develop a master plan.
3. Concurrently, organize and move to seek the proper legislated entitlements to achieve the planning objectives. These would include uses such as housing, if appropriate.
4. Once the master plan is developed and approved, seek a development entity to proceed with either the first phase (only) of the master plan or to develop the master plan over all phases. This planning entity should be able to modify the master plan, after their selection is made, so as to fit into their approach to the markets. They should, however, be required to be faithful to the cultural, environmental and social concerns embodied in the master plan.
5. With the selected development entity, gain HCDA entitlements (as necessary) for the development of the plan. The developer, and its consultants, may be primarily responsible for this.
6. As approvals are obtained and the developer prepares to proceed, develop a project management oversight capacity, either on-staff or through a consultant familiar with

construction issues. This is not to oversee construction but to interface with the developer and governmental entities during the construction period.

7. Other

- a. Engage in regional partnerships with relevant public agencies and surrounding land owners that support OHA's vision of Kaka'ako Makai.
- b. Prepare a comprehensive financial proforma and capital financing plan. Leveraging OHA's existing cash flow through potential debt financing sources such as revenue bonds can generate additional capital for its development projects and represents one financing option.

Conclusion

OHA has a tremendous opportunity to develop the Kaka'ako Makai land parcels in a unique and genuine way, through harmony and the balance of cultural, social, spiritual and economic values. OHA can realize the balance of culture and commerce with smart decisions in harvesting monetary returns on its lands and also satisfy its fiduciary responsibilities of maximizing the land value and preserving the cultural history and significance of the land. While the neighboring developers are focused on typical urban developments, OHA has the opportunity to be the light and epicenter (piko) of Kaka'ako, complementing the infusion of the culture and arts lifestyle by using the land and natural elements while reestablishing the relevance of an ancestral relationship to place. The strategic location and value of these lands serves as an asset that aims to meet OHA's overall vision Ho'oulu Lāhui Aloha, provides an overall positive contribution to the surrounding community, and potentially will be an inspiration to draw national and international leaders and visitors to Hawai'i.

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KAKA'AKO MAKAI

ADDITIONAL STUDIES

4. Strategic Management Framework
Kaka'ako Makai Cultural Landscape and
Ancestral Connectivity Analysis



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Strategic Management Framework Kaka'ako Makai



**CULTURAL LANDSCAPE AND
ANCESTRAL CONNECTIVITY ANALYSIS**

Prepared by:



October 2013

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<i>E lau'ena ka wana'ao a ka lā</i>	<i>Glowing are the spearing rays of the rising sun</i>
<i>He lau i ka launahale o Pu'u'ōhi'a,</i>	<i>A budding leaflet in the forest growth of Pu'u'ōhi'a</i>
<i>Lau ā lau nā lapawai o Kahuawai</i>	<i>Abundant are the cascading waters of Kahuawai</i>
<i>Ua laupa'i ka hana</i>	<i>there is much work to be accomplished</i>
<i>Ua lawa pono ka 'ike</i>	<i>Knowledge is ample if thoughts are aligned</i>
<i>Ho'olaulā ka mana'o</i>	<i>then the mind is broadened</i>
<i>E lauele i ka laukapalili ma Māmala</i>	<i>Envisioned is the trembling net at Māmala</i>
<i>E laulima ka laukanaka</i>	<i>the multitude in complete cooperation</i>
<i>E lauaki kākou</i>	<i>Pooled together as of experts to concentrate</i>
<i>I ke kūkulu kumuhana</i>	<i>in the sacredness of thought and prayer to succeed</i>
<i>ke kūkulu o ka lani,</i>	<i>the pillars above the horizon</i>
<i>ke kūkulu o ka honua</i>	<i>the pillars below the horizon</i>
<i>E laule'a ka nohona</i>	<i>A restored relationship and life</i>
<i>E ola ma Kūkuluāe'o</i>	<i>Stemmed at Kūkuluāe'o</i>
<i>E ola ma Ka'ākaukukui</i>	<i>Stemmed at Ka'ākaukukui</i>
<i>E ola mai no e...</i>	<i>Life indeed...</i>

This mele hanohano, composed in November 2012 from kūpuna-derived inspired dreams and thoughts for the lands that traditionally form the 'ili of Ka'ākaukukui and Kūkuluāe'o, defines the essential passion that stirs within the collective senses of our na'au to support the Office of Hawaiian Affairs (OHA) in its kuleana as a haku 'āina (land steward) and hoa'āina (native tenant). For this time and effort, our planning team is guided by a simple premise of a deep-rooted cultural understanding - "E lauaki kākou" - that we believe in a purposeful collaboration of talents and expertise working in a cooperative spirit with OHA leadership, its Maoli constituency, and the thriving communities therein as the motivation for a critical and transformative movement to be born in Kaka'ako Makai.

Our approach is resolute to pool together the knowledge, wisdom, and expertise of all those involved from times before to those currently charged with the responsibility to ensure the vibrancy of tomorrow's future. This study is to provide a cultural underpinning to support the purpose of **creating a framework for the development and evaluation of value-created scenarios, which are culturally appropriate for the lands of Kaka'ako Makai**. What is presented in this report will help inform OHA leadership to further the perpetuation and protection of Maoli culture and aid the continuing ancestral obligation and dutiful responsibilities associated with OHA's contributions to a strong and healthy lāhui Hawai'i.

RELEVANCE OF RELATIONSHIP-COSMOGONIC ORIGINS

For Kanaka 'Ōiwi (a term that literally translates to mean "of the bone" and is a known identifier reference for Native Hawaiians as a people), the Kumulipo is a Pule Ho'ola'a Ali'i (a sanctifying prayer of a ruling chief) which was first chanted as a consecration prayer at the birth of Kalaninui'iāmao, also known as Lonoikamakahiki. The Kumulipo is a creation chronicle wherein the coral polyps of the sea are born first out of the depths of ancestral night. This is the first tier of a processional order and hierarchy of creation that establishes a relational and genealogical connection between man and nature.

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Over two thousand lines in length, the Kumulipo divides the creation sequencing of the world in sixteen wā (eras or time periods) that unfold through a specific genealogical procession. The elements of light and darkness, salt water and freshwater are the primordial first-borns, the essential foundational sources of life to all that have emerged since the beginning of time. The progression of these births within these specified time periods detail that nā kānaka, human beings, are the youngest of all creations in the natural world.

In the twelfth and thirteenth wā, the Kumulipo acknowledges the genealogical lineages of Wākea and Papahānaumoku. The emergence of these two lineages comes from such a time of antiquity that they are ascribed as Sky Father and Earth Mother, respectively. According to the Opukahonua tradition, Wākea and Papa are the “parents” of the Hawaiian Islands and the union of these two figures results in the birth of the first human offspring, a daughter named Ho’ohokukalani.

In variations of this creation account, Ho’ohokukalani gives birth to a stillborn child named Hāloanakalaukapalili (the long breath of the quivering leaf). A second child was later born to Ho’ohokukalani, also named Hāloa in honor of his elder brother and is considered to be the progenitor of all Native Hawaiians. The stillborn child was buried, known as one of the first documented accounts of ho’okanu (translates as purposeful “planting” when referring to the burying of the dead). It is recorded that out of the wahi kanu (burial) of Hāloanakalaukapalili emerged the first kalo (taro, *Colocasia esculenta*) plant, the staple food source that is understood as the kua’ana, the older sibling of all Hawaiians (Kame’eleihiwa 1992).

In the cultivation of kalo, the plant is extracted from the irrigated or dryland field system where the upper huli (stalk) is separated from the ample ‘ohā (corm) by cutting the plant at the kōhina (dividing line). It is the huli that are then ho’okanu, replanted, whereby over time and tended care grow new ‘ohā, which provides sustenance and nourishment over generations. It is from this process, the word ‘ohana (family) is derived and demonstrates the associated ancestral and familial relationship exercised in the practice of ho’okanu with the land. Over time, this cyclic interaction and exchange of foundational sustenance and provision over generations invokes a responsibility and blueprint of sustained stewardship. Upholding this responsibility creates the seed bank of mana (spiritual power) that is infused back into the ‘āina which each planting to become a source of new growth for subsequent generations to follow.

The primary lesson derived from these mo’okupuna (ancestral genealogies) is the world is created through a sacred processional order codified by a set of associated obligations, privileges, responsibilities, and duties for each tier that is connected to one indivisible genealogical line. Thus, the ‘āina (commonly reference as “land” but in its literal translation means “that which feeds and devours”) is characterized as an ancestral and familial member, serving as the kua’ana, the eldest sibling whose responsibilities in the traditional ‘ohana structure was to ho’omalū (protect), hānai (nurture and feed), and to kauoha (give instruction). Conversely, it is human beings that are given the responsibilities of the kaikaina, the younger siblings, who are to mālama (care for), aloha (extend love to), and ho’olohe (listen

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intently) to their elders, including the land from which we are all born and eventually return (McKeague 2005; McGregor et al 1997).

Therefore, as applicable to land tenure management and resource stewardship practices, the cultural values of mālama 'āina and aloha 'āina are derived from obligatory sense and importance to develop and nurture a relationship to then carry out specific responsibilities that allow connections between kanaka, 'āina, and Akua (spiritual divinity) to thrive. Mālama 'āina, literally translated as “to care for or preserve, protect, and maintain that which feeds and devours”, can then be characterized as a key cultural principle in stewardship practices that emphasizes the importance of possessing and maintaining a systematic and intimate relationship between man and the natural environment. Mālama 'āina acknowledges the cyclic movement of mana and its invocation is a means to accessing a shared memory and ancestral consciousness that is imbued within the landscape, as perpetuated in traditions and practices, and communicated through stories that have transcended over many generations. The illustrative point is that if the cultural values of aloha 'āina and mālama 'āina are perpetuated, practiced, and invoked, then life-giving sustenance within these lands will continue to emerge and flourish for generations to come. For Kanaka 'Ōiwi, the land and natural elements are the foundation of subsistence, cultural and religious belief, custom, and practice. Therefore, in evaluating options for any land based stewardship activity, there is a necessity to derive a culturally based understanding of any given landscape and wherein reestablishing the relevance of an ancestral relationship to place (McKeague 2005).

SCOPE OF CULTURAL LANDSCAPE & ANCESTRAL CONNECTIVITY ANALYSIS

At the request of the Office of Hawaiian Affairs (OHA), the purpose of this cultural exposition is to provide guidance as to: 1) how to ensure relevancy and authenticity in the celebration of a shared ancestral heritage to place; 2) how the needs of today's generation can be met with cultural activism; and 3) uphold the quantitative and qualitative nature of the cultural landscape for generations yet to be born.

This study is not intended to be a “classical” cultural impact assessment or ethnohistorical study as the level of detail from these types of analyses would be reserved for subsequent steps of project development and entitlements. Rather, this analysis is intended to focus on the 30-acres of OHA Kaka'ako Makai (KM) lands as a means to facilitate a dialogue inclusive of critical information from a cultural perspective that will assist in the development of the Strategic Management Framework being developed under this current level of effort. This study will be a foundational piece for other relevant cultural resource management documents that will become necessary under an area-wide Master Plan or subsequent parcel development plan leading to necessary compliance and approvals under an environmental review. The scope of this Cultural Landscape & Ancestral Connectivity Analysis (CLACA) includes the following:

- a. Description of the project area and surrounding community
- b. Definition of “cultural space” and its relevance to ancestral connectivity
- c. OHA governance and guidance related to understanding ancestral connectivity
- d. Summary of Known Cultural Practices, Beliefs, & Values Associated to Kaka'ako Makai
- e. Recommendations for developing Strategic Management Framework

DESCRIPTION OF THE PROJECT AREA & SURROUNDING LANDSCAPE

<i>A pehea lā au, e Honoka'upu, ku'u aloha</i>	<i>Oh what of me, O Honoka'upu, my love</i>
<i>I ka welelau nalu kai o Uhi, o 'Ōa</i>	<i>Upon the crest of the surf at Uhi and 'Ōa</i>
<i>'O nā maka i ke ao (pō) o pōina</i>	<i>Eyes in the realm (night) of oblivion</i>
<i>Ma hea lā wau, e ke aloha la</i>	<i>Where am I, O my love</i>
<i>'O Kou ka papa</i>	<i>Kou is the coral flat</i>
<i>'O Ka'ākaukukui ka loko</i>	<i>Ka'ākaukukui is the pool</i>
<i>'O ka alamihi a'e nō</i>	<i>Some alamihi indeed</i>
<i>'O ka lā a pō iho</i>	<i>Wait all day until night</i>
<i>Hui aku i Kou nā maka</i>	<i>Friends shall meet in Kou</i>

Chanted by Hi'iakaikapoliopole upon her arrival in Kou during the night of kilu festivities hosted by the chiefess Pele'ula, this mele highlights one the salient features wherein the OHA KM parcels lie. Nestled in the moku of Kona, in the ahupua'a of Waikīkī, the OHA KM parcels reside (*Figure 1* and *2*) just outside the coastal village of Kou (currently area known today as Downtown Honolulu) and within the former coastal edge of the nearshore fisheries within the 'ili of Ka'ākaukukui and Kukuluāe'o. The reference in the chant to a pool that Hi'iaka pays homage is thought possibly to be Kaimukanaka Pond, cited as a place near Pākākā Heiau, a political heiau since the time before Kakuhihewa located just west of the OHA lands.

Various native and foreign storied accounts consistently record the lands of Ka'ākaukukui and Kukuluāe'o as part of an abundant and productive agrarian and aquacultural landscape within the ahupua'a that sufficed the subsistence needs of the populace in traditional times. The coastal nearshore regime was fed by the ua Ki'owao that gather and filled the various po'owai at Lulumahu, 'Aihualama, and Waihi in the upper regions of the Ko'olau, feeding the extending kahawai of Kahuawai, Makiki, Kanahā, Ka'aikahi, Nu'uuanu, and several other streams to the muliwai estuaries of Kou and Māmala. Specifically, along the nearshore waters and former reef system wherein the OHA KM parcels lie, pa'akai harvesting, fishpond farming activities, and other marine subsistence gathering and extraction activities were traditionally known to occur and to some degree are still practiced today. Also of importance to note, the coastal and immediate flat plains located just mauka of the OHA KM parcels are well documented wahi kanu from traditional through post-encounter historic periods.

The OHA KM parcels are within the physiographic region of O'ahu known as the Honolulu Plain, which is stratified with a late-Pleistocene coral reef substrate overlain with calcareous marine beach sand or terrigenous sediments, and stream-fed alluvial deposits. A high stand in the sea for the Hawaiian Islands about 1.5 m to 2.0 m above present sea level was well documented about 2,000 to 4,500 years ago. The deposit of marine sediments during this period greatly affected the project area shoreline. Based upon a Hawaiian Territorial Sanitary Commission report in 1911, it was estimated about one-third of the Honolulu Plain was a wetland. Traditionally, the lagoon/estuary environment of the Honolulu Plain was used to construct fishponds. The project area is mostly Fill Land, Mixed (FL) with the undeveloped natural condition consisting of low-lying marshes, tidal flats, fishponds, and reefs (CSH 2011; Foote 1972).

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FIGURE 1 OHA KAKA'AKO MAKAI PARCELS & RELATIONSHIP TO OTHER SIGNIFICANT WAHI PANA

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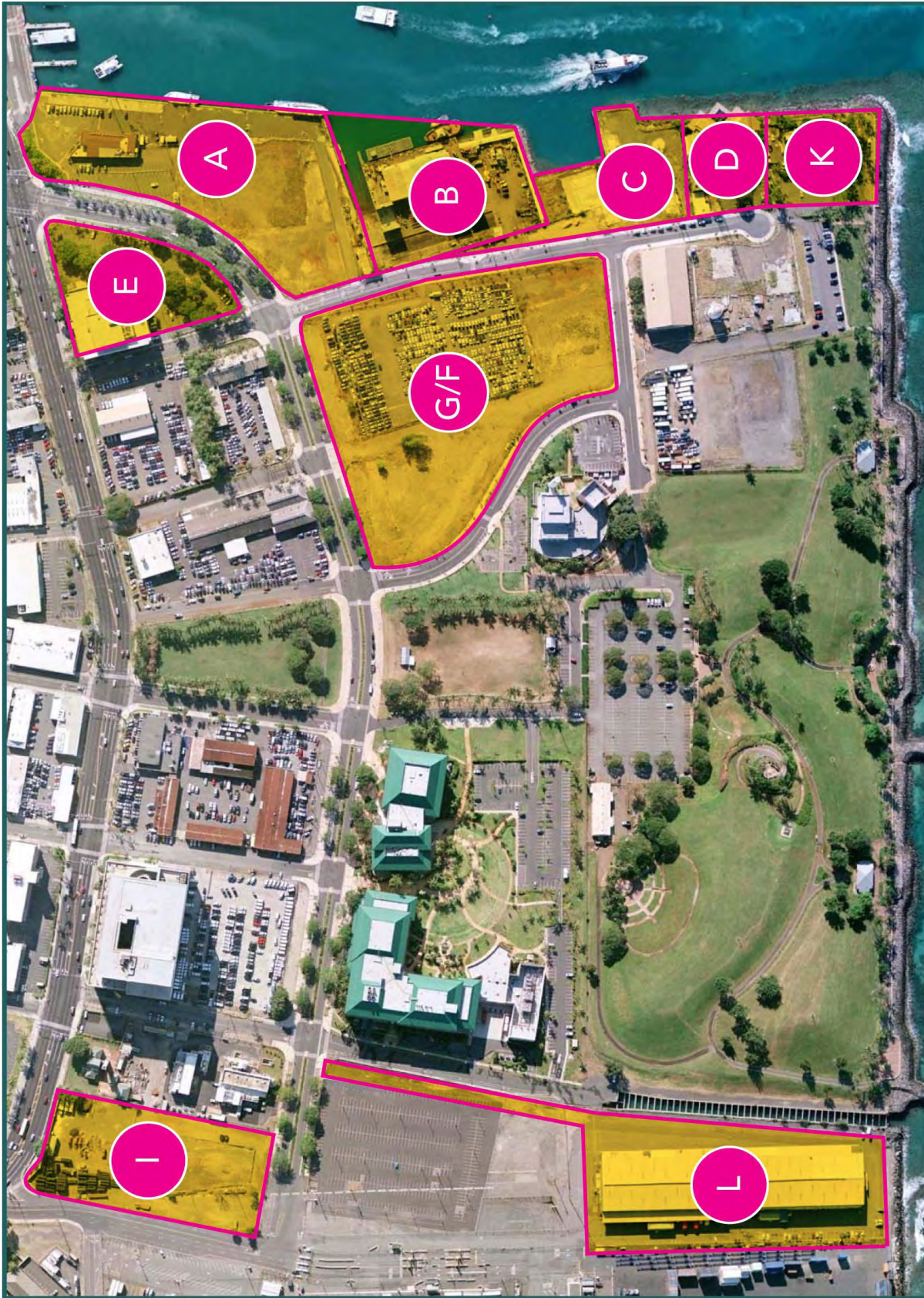


FIGURE 2 OHA KAKA'AKO MAKAI PARCELS

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During the Māhele, the 'ili of Kukuluāe'ō was awarded as a part of various lands to the American Board of Commissioners for Foreign Missions under Land Commission Award 387 and was associated with Punahou School. However, the lands were originally conveyed from Kamā'ule'ule (Boki) to Hiram Bingham, pastor of Kawaiaha'ō Church, and were recorded as being comprised of fishing grounds, coral flats, and salt beds. The 'ili of Ka'ākaukukui was awarded to Victoria Kamāmalu Ka'ahumanu IV, sister of Alexander 'Iolani Liholiho (Kamehameha IV) and Lot Kapuāiwa (Kamehameha V), under LCA 7712. The award identifies four fishponds, one spring fed and three salt ponds filled by tidal waters. The surrounding and adjacent landscape of Ka'ākaukukui and Kukuluāe'ō underwent major transition in the latter 19th and 20th Century. Increasing urbanization dramatically altered the landscape from a once dominant productive fishpond and salt pan to a large maritime industrial center (OHA 2013).

In the 19th Century, Kaka'ako also became a place associated with illness and isolation: during the 1853 smallpox epidemic, infected patients were isolated at a temporary quarantine camp and hospital in Kaka'ako (Thrum 1907). This epidemic resulted in 9,082 cases and 5,748 deaths in a population of about 70,000 in the entire Hawaiian archipelago, and a population of about 20,000 on O'ahu. Nearly all those deaths were Native Hawaiians. After Hansen's Disease was first reported in 1840 and then identified in 1853, a branch hospital and receiving station for cases of Hansen's Disease was opened first in Kalihi then in Kaka'ako in order to keep those suspected of having the disease isolated from the general population. "Fisherman's Point" was donated by Princess Ruth Ke'elikōlani and became known as the "Leper Hospital." In 1884, the Franciscan nun Mother Marianne Cope built a convent with a two-story house, a small chapel, and took over running the dilapidated hospital in response to a plea made by Walter Murray Gibson, minister in King Kalākaua's government. In 1884, Mother Marianne built a home at Kaka'ako for the non-leprous daughters for the patients of Kaka'ako and of the exiled lepers of Moloka'i. The girl's home was named after Queen Kapi'olani, who supported the plan for the home by raising funds. In 1899, the first cases of bubonic plague were identified and spread rapidly in the tenements of Chinatown. The government decided that the best way to eradicate the disease was through "controlled burning" of the wooden buildings. Infected patients were moved to a quarantine camp at Kaka'ako (OHA 2013; CSH 2009; Garcia 2008).

There was also a military presence in Kaka'ako. During the monarchy, the point at Kaka'ako was the location for a battery comprised of three cannons used to salute visiting naval vessels. After the illegal annexation and U.S. military occupation of Hawaii in 1898, the U.S. Congress began to plan the coastal defenses for the islands. The U.S. government claimed 76 acres of former crown lands on Fisherman's Point. A small military reservation was set up on Ka'ākaukukui Reef for the storage of underwater mines, which would have been placed at the outer entrance to Honolulu Harbor as a last resort before an attack. This place became known as Fort Armstrong (OHA 2013). A seawall was eventually built to reclaim land for the fort. In 1911, the Honolulu Rifle Association also used the area as a rifle range. The greatest land alteration came during several reclamation projects, which included the original dredging and deepening of Honolulu Harbor in the 1840s followed by a series of other in-fill projects that reclaimed former lo'i wetlands as part of a purported public health and sanitation concern by the Board of Health in early 1900s.

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In 1899, work began in Honolulu on a new water and sewage disposal system with separate networks to carry water to pumping stations, where the water was then forced out through pipes into the ocean. A new Kaka'ako Pumping Station was built in 1900, designed by Oliver Traphagen, who used Hawaiian bluestone to build the two-story main station building for the steam-powered pumps, a stone chimney, and an adjacent Screen Room. In 1925, a brick pump house for new electric pumps was built on the southwestern side of the old station. A second pumping station was later built on the southwestern side in 1939, which still exists today along with two 1900 structures on the National Register of Historic Places as SIHP #50-80-14-9710 (HCDA 2010).

In 1905, the Kaka'ako area was also used for the incineration of waste from urban Honolulu. Putrescible trash could be burned in incinerators (OHA 2013; Thrum 1906). The surrounding area continued to become a prime spot for large-scale industrial uses including the garbage incineration site, a production area for iron works, lumber yards, a tuna cannery, and draying companies (OHA 2013; CSH 2009). In 1920, trash was burned in the open at Ala Moana Dump (landfill area Makai of Ala Moana Boulevard). In 1930, the Kewalo incinerator was constructed in an Italianate-style at Mohala Street (now 'Āhui Street) near the east end of the Fort Armstrong seawall and close to the former John Dominis Restaurant (now 53 By the Sea) where waste was burned. The ash from the incinerator was used to fill the seawall in Ka'ākaukukui in the late 1940s that then created 29 acres of additional land adjacent to Fort Armstrong.

Eventually 15 acres were set aside by the Territorial Government for the disposal of ash from the incinerator. Boulders were brought from Wailupe during the development of 'Āina Haina and also from Punchbowl during construction of the National Memorial Cemetery to build a retaining wall for the ash material in Kaka'ako. In 1971, the State mandated that the City and County stop placing ash at Kewalo. In 1992, the Kaka'ako Waterfront Park was opened on the site of the former municipal landfill, consisting of 35 acres of grass-covered rolling hills adjacent to the ocean. There is no sandy beach in the park and access to the ocean is by concrete stairs. There is an amphitheater, paved jogging paths, and popular surf spots. (KPA 2013; OHA 2013; CSH 2009; Ganda 2008)

The area known as Honolulu Iron Works was established by a mechanic named David Weston in 1853 with \$2,000 in funds from a Boston investor. A steam engine was built on site and shared by a flour mill and the iron works. Later the Iron Works furnaces were used to incinerate victims of the Bubonic Plague that struck Honolulu. The Iron Works were torn down in the 1970s to make way for the present day Restaurant Row. Kerosene was stored at a government facility on Ka'ākaukukui in 1876, and fires were noted at the facility in 1891 and 1907 (Thrum 1907). In 1919, Kewalo Basin was dredged to service lumber schooners and commercial fishermen adjacent to the OHA KM parcels. In mid-1900s, the surrounding area was one of the first residential areas for working class families with nearly 5,000 residents (KPA 2013; OHA 2013; CSH 2009; Ganda 2008).

Today, what we know as Kaka'ako is part of a major transformation in urban Honolulu with new development pursuing a livable walkable mixed-use, high-density, urban community. In 2012, OHA

acquired these lands as part of a prolonged effort to settle a long standing claim on ceded land revenues. One of the kuleana for OHA, as the haku 'āina, is to ensure genuine place-making emanates from the core cultural landscape that once and in some respect still continues to exist at Ka'ākaukui and Kukuluāe'ō. For these landholdings, there is necessity to bring a balance of cultural, social, spiritual and economic values in harmony. Alternative considerations for the future use of OHA's landholdings in Ka'ākaukui and Kukuluāe'ō requires completion of some due diligence, inclusive of: assessing the economic and market potential; identifying site development constraints such as infrastructure and utility concerns, environmental factors, regulatory controls; and lastly and focus of this paper is understanding the historical and cultural composition to place and forming a relationship to various forms of cultural and ancestral space to ensure a continuum between past, present, and future.

Appendix A provides a series of maps that chronologically document the land tenure patterns and changes within the Kaka'ako shoreline area.

DEFINING CULTURAL SPACE & RELEVANCE TO ANCESTRAL CONNECTIVITY

According to noted Kumu Hula and Cultural Historian Kepā Maly, as a result of the cultural diversity of our island community, island residents look at the natural and cultural resources around them in different ways and apply different values to them. In a Hawaiian context, these relationships and expressions of values, or the "sense of place", have developed over hundreds of generations of evolving "cultural attachment" to the natural, physical, and spiritual environments (Maly 2001). According to James Kent, noted social ecologist, the concept of cultural attachment can be defined as follows:

"Cultural Attachment" embodies the tangible and intangible values of a culture—how a people identify with, and personify the environment around them. It is the intimate relationship (developed over generations of experiences) that people of a particular culture feel for the sites, features, phenomena, and natural resources etc., that surround them—their sense of place. This attachment is deeply rooted in the beliefs, practices, cultural evolution, and identity of a people. The significance of cultural attachment in a given culture is often overlooked by others whose beliefs and values evolved under a different set of circumstances (Kent 1995).

For any consideration of land use, or perhaps a better consideration of word choice is "land engagement" practices in Hawai'i, one must understand that Hawaiian culture evolved in close partnership with the natural environment. Therefore, sense of place in a Hawaiian context does not have a clear dividing line of where culture and human interaction ends and nature begins (Maly 2001). As further postulated by Edward L.H. Kanahale, noted Hawaiian scholar, the idea of "place" in a Hawaiian worldview holds deep meaning as it conveys the following:

- Tells us who we are and identifies family connections to a physical location
- Gives us our history in the remnant and tangible elements that remain in the landscape which help to tell stories that are preserved in human memory and recounted intergenerationally
- Provides a sense of stability and belonging to an ancestral presence, both in the realm of the living and in the spiritual afterlife
- Gives a sense of well-being and acceptable of all who experience place (James 1991)

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The purpose of this CLACA is to outline some of the understood ancestral connections that are relevant and meaningful to the OHA Ka'ākaukui and Kukuluāe'o lands. These connections will be identified through first understanding the governance model in which these connections are to be defined; second, completing a review of various sources of 'ike (knowledge) that describe known traditional and contemporary cultural practices, beliefs, or values associated with these lands and spatial relationships within and external to the region; and lastly, presenting recommendations as to how to integrate this knowledge in the strategic framework.

APPLICABLE OHA GOVERNANCE RELATIVE TO ANCESTRAL CONNECTIVITY

The acknowledgement and understanding of ancestral connections is a basic and fundamental directive within the vision, mission, and strategic direction of OHA.

OHA Vision and Mission

The vision of OHA is to "Ho'oulu Lāhui Aloha" - to Raise a Beloved Nation. According to OHA's website, the vision statement blends the thoughts and leadership of King David Kalākaua, and his sister, Queen Lili'uokalani, both who as political leaders were challenged on multiple fronts with the transitions that were facing Hawai'i's people in the late 1800s- socially, economically, politically, spiritually, and culturally. The first part of OHA's vision statement is "Ho'oulu Lāhui", which was Kalākaua's motto. "Aloha" expresses the high values of Queen Lili'uokalani.

The mission statement of OHA is as follows: *to mālama (protect) Hawai'i's people and environmental resources and OHA's assets, toward ensuring the perpetuation of the culture, the enhancement of lifestyle and the protection of entitlements of Native Hawaiians, while enabling the building of a strong and healthy Hawaiian people and nation, recognized nationally and internationally.*

In a Hawaiian worldview, the OHA Vision and Mission encapsulate two very basic but important tenets vital to proper Hawaiian leadership and governance. The first is simply recognizing the hierarchical order and relationship of kanaka to 'āina. There is a commonly well-known saying "I ali'i ka 'āina, ke kauwa ke kanaka"- the land is the ruler, man is the servant. The second elaborates on the relationship of those entrusted to govern over the land, its resources, and the general public- "I ali'i no ke ali'i i ke kanaka"- a leader is a leader because of the people he or she is entrusted to mālama.

OHA Trustees and its Executive Leadership team understand fully the stewardship responsibility to be undertaken in determining the future of the OHA Ka'ākaukui and Kukuluāe'o lands and also recognize that the proper execution of stewardship actions must take into account what the land holds in balance of cultural and environmental value to the market and economic residual value as endorsed in the OHA Strategic Plan. Additionally, it can be an assumptive rationale that other variables equally important and that should be balanced into the planning and decision-making should include community, education, artistic, and recreational goals.

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OHA 2010-2018 Strategic Plan

Under the OHA 2010-2018 Strategic Plan, there are eight (8) core values and guiding principles:

Kākou	E alu like mai kākou i ka ho'okoana i ko kākou mikiona	We work together, unified to accomplish our mission
Aloha Kekahi I Kekahi	'Olu'olu a maika'i kākou i nā kanaka apau	We are kind and compassionate to all whose lives we touch
Pono Pau 'Ole	E hana kūpuna kākou me ka 'oia'i'o	We act with integrity and truthfulness
Mālama I Kekahi I Kekahi	E hō'ihi a mālama kākou i nā po'e apau a me nā mea e a'e a pau	We respect and care for others and all that surrounds us
Kuleana	E ho'okō kākou i ko kākou kuleana hana	We carry out our individual and collective responsibilities
Kūlia	E ho'okumu kākou i ka hana e pili ana i na kuleana Hawaii me ka ho'ohulu	We take initiative and are resilient in advocating for Hawaiian rights
Po'okela	E hana kākou me ka oi a e ho'omaika'i iā kākou iho	We do our best and continuously seek improvement
Ho'omau	E ho'omau kākou i ke ea o ka 'āina, nā mea e ho'opuni ana, ka mo'omeheu a me ka po'e Hawai'i	Together, steadfast, we preserve and perpetuate our culture, people, land and environment

Additionally, there are six (6) strategic priorities (*Figure 3*) that are targeted under the current plan:

Mo'omeheu (Culture)	To strengthen identity, Native Hawaiians will preserve, practice and perpetuate their culture.
'Āina (Land and Water)	To maintain the connection to the past and a viable land base, Native Hawaiians will participate and benefit in from responsible stewardship of Ka Pae 'Āina o Hawai'i.
Ea (Governance)	To restore pono and ea, Native Hawaiians will achieve self-governance, after which the assets of OHA will be transferred to the new governing entity
Ho'okahua Waiwai (Economic Self Sufficiency)	To have choices and a sustainable future, Native Hawaiians will progress towards greater economic self sufficiency
Ho'ona'auao (Education)	To maximize choices of life and work, Native Hawaiians will gain knowledge and excel in educational opportunities at all levels
Mauli Ola (Health)	To improve the quality and longevity of life, Native Hawaiians will enjoy health lifestyles and experience reduced onset of chronic diseases.

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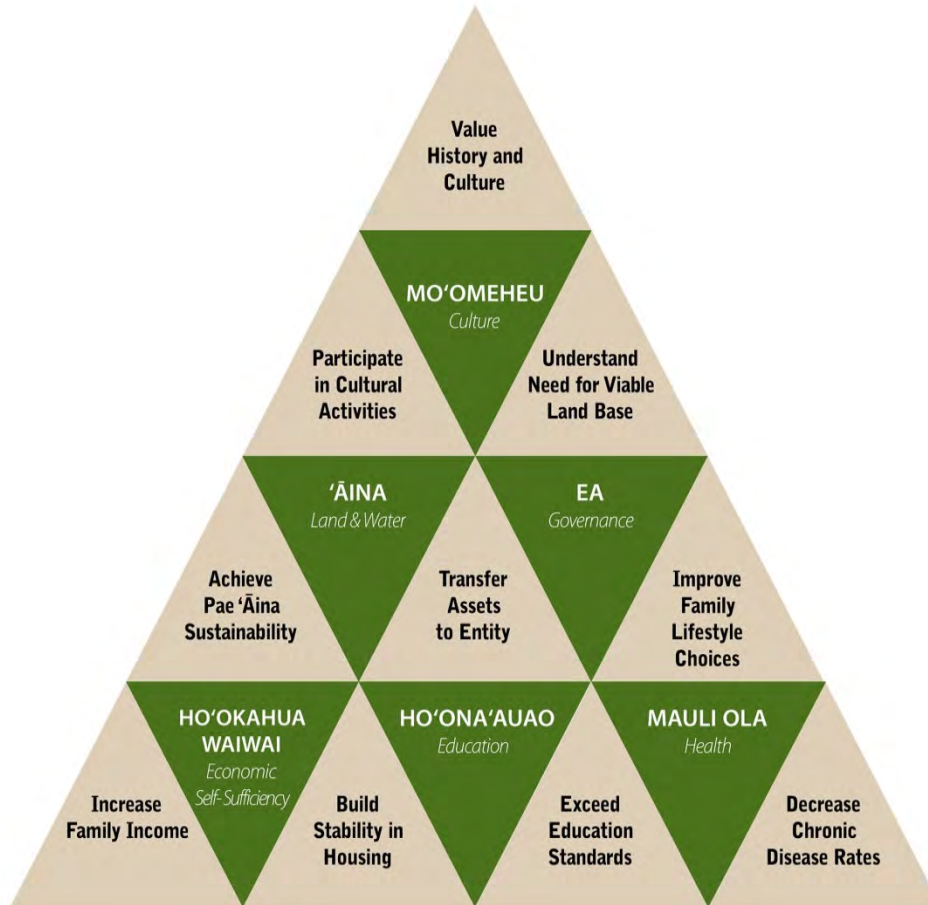


FIGURE 3 OHA 2010-2018 STRATEGIC PLAN & RESULT PRIORITIES

Under the OHA Strategic Plan, there are four applicable strategic results that should be considered in translating the necessity for ancestral connection into the practicality of integrating and programming that connection into the Strategic Framework for these lands. The applicable strategic results (and their intersecting priorities) include:

- Value of history and culture (Ea-Mo'omeheu)
- Participate in cultural activities (Mo'omeheu-Mauli Ola)
- Understand the need for viable land base (Ea-Āina)
- Achieve pae āina sustainability (Āina-Ho'ona'auao-Mo'omeheu)

It is clearing evident then that providing cultural context and relevance to land engaging actions is essential to seek the balance of the Strategic Plan's direction and desired outcomes.

OHA Kaka'ako Makai Cultural Policy & Implementing Actions

In August 2012, an internal OHA process was initiated to develop cultural guidelines for the OHA Ka'ākaukui and Kukuluāe'o parcels. These guidelines were approved by OHA leadership and are the cornerstone for developing a sense of cultural context for these parcels. As stated by OHA leadership during the development of these guidelines, the Hawaiian worldview is fundamental to having the

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necessary competence and knowledge to carry out the responsibilities of land and resource stewardship. These cultural guidelines define key principles important to OHA leadership that direct how 'āina-wide initiatives balance the commerce-cultural equation. Specific project area indicators were then identified to determine how a culturally functional and active landscape is to be achieved in the OHA KM parcels. As a result, four cultural principles are the foundational basis for these guidelines:

- Mo'omeheu (Cultural history, traditions, practices, and language)- emphasizes a need to celebrate the history that is imprinted and permeates within the landscape
- Kūlia (Innovation and excellence)- defines a desire to excel through innovation to address challenges
- Ao (The living world)- ensures the vibrancy and abundance of this generation
- Pilina (Relationships, interactions, and connectivity)- emphasizes a need to connect to our past, our living world that surrounds us, and the communities that have and will continue to flourish

These four cultural principles drive the questions “what types of guidance becomes evident in the culture and land tenure history specific to this place” and “how does this knowledge inform decision-making to fulfill those needs?” As OHA is a haku 'āina of other landholdings inclusive of Wao Kele o Puna, Waimea Falls Park, the Gentry Design Center parcel, and the Ka'ākaukui and Kukuluāe'o parcels, these cultural principles guide five (5) key 'āina-wide statements which include the following:

- Space matters as a cultural layer
- Spaces should facilitate relationship building
- Value-added development- what is the commercial and cultural worth for the community
- Living culture in a living world
- Planning for the next five generations

Specifically for these OHA KM parcels, there are eight (8) recommended indicators as to how layers of cultural meaning are integrated into the functional and active use of these lands:

1. Leave a corridor for the Kūalahale wind and rain
2. Dualism in building structures (vertical and horizontal structure complements)
3. Go green: space, technology, materials, and environment
4. Multi-use/multi-purpose spaces that can create revenue but still give-back to the community for use: gathering, meetings, parties, rallies, performing, learning center
5. Fishing restoration activities
6. Walking paths
7. Cultural enhancement opportunities for tenants- distinguish OHA KM lands as a globally significant destination to share one's business with the community
8. Lele and kuahu- acknowledging aspects of our living and spiritual world

This paper is not intended to revise or update the dynamic and forward progress made internally by OHA leadership and staff. Rather, wherein appropriate, this study will look to support these existing indicators and as stated the intended goal of this CLACA is have a set of clear recommendations for OHA decision-makers that fortifies the cultural directives as indicated in the existing policy. **Appendix B** illustrates the OHA cultural policy and implementing actions.

OHA Strategic Management Framework Charrette & Major Themes

In August 2013, a two-day charrette process was conducted for the OHA Kaka'ako Makai Strategic Management Framework Plan by the Hui Kukuluāe'ō project team comprised of Rider Levett Bucknall, Ltd.; Sanford Murata, Inc.; and Group 70 International, Inc. The subject of this charrette was to envision the future vibrancy of OHA Kaka'ako Makai lands as an asset that requires a balance between commerce and culture. The charrette's main purposes included: 1) listen to key stakeholders and their relevant issues, concerns, and passions for these lands; 2) collect and record the information shared; and 3) seek some level of agreement of significant ideas that should be the underpinnings for a vision to place. Unfortunately, most of the present-day memories of those in the living generations recall this area in the last 50 years or as in-filled trash dump so relevant to cultural knowledge, the information garnered was somewhat limited. The present-day generation unfortunately to some degree dismisses or is slowly forgetting the cultural and ancestral permanence that still exists and forms the character and nature of Ka'ākaukukui and Kukuluāe'ō.

For the Strategic Management Framework, three major themes were identified from the charrette process to help elevate the significance and meaning of the OHA Kaka'ako Makai parcels above that of a conventional real estate development. The potential strategic value of these lands as an asset that aims to meet the goals and objectives of OHA's overall mission requires that its revival and restitution provides a synergy, connectivity, and overall a positive contribution to the local community but also to key cultural precepts and values that are both global to Native Hawaiian cultural identity and intrinsic to unique sense of place. The three major themes are highlighted and briefly summarized:

- 1. Create a kīpuka where Hawaiian national identity can flourish and be celebrated among Hawaiians and local communities throughout the Pacific but also serve as a welcoming place for global leaders to gather.**

The concept of a kīpuka, a cultural oasis, for Hawaiian nationalism speaks to the sensitive and mindful idealism and symbolism of restitution. Under OHA, as the haku 'āina, the stewardship of these lands as part of a traditional cultural landscape with strong connections to the life-giving and –emerging waters of Ka Moana Nui (the Great Ocean Expanse), should reflect the deep understanding and commitment to the surrounding community locally but also globally across the ocean expanse to other parts of the Pacific and beyond.

As these lands were traditionally the coastal front and fishery of Ka'ākaukukui and Kukuluāe'ō, the relevance to consider these lands as a kīpuka with connection to the ocean whereupon life flourishes

and extends from a firm ancestral foundation that connects us throughout the Pacific is amplified. For this Plan, there needs to be a constant reminder that these lands can be a source of pride that embodies our Hawaiian national identity and as such, defining and maintaining a Hawaiian sense of place through design and programming should be a driving priority. Once fortified with that ideal in mind, this Plan should assess how these lands strategically can become a place where global leadership can gather and immerse within an exclusive Hawaiian space, to inclusively contemplate and reflect on issues that have a universal impact.

2. Support the development of a “cultural marketplace” that invests in intellectual capital, seeking possibilities of exploration and innovation in education, health, and political leadership.

The concept of a hālau ola, a center of “life” and “healing”, speaks to the possibility of these lands being strategically directed to provide benefit to the physical, mental, emotional, and spiritual well-being for Native Hawaiians. The presence and potential partnerships with existing neighbors such as Kamehameha Schools, John A. Burns School of Medicine, and the Pacific Biosciences Research Center Kewalo Marine Laboratory increases the opportunity for “ola”-centric innovation and collaboration between cultural and science that also provides a source of revenue generation for OHA. The Plan should seek to support a direction towards developing a “cultural marketplace” wherein the exchange of knowledge and wisdom can occur.

Highlighted issues shared during the charrette that could have relevancy and opportunity within these lands as a focal point for this collaboration include the social and economic well-being of Native Hawaiian; promoting and supporting initiatives in sustainability, specifically food security and alternative energy; expanding ongoing ocean research, resource management, with relevancy of impacts of sea-level rise; addressing the needs and impacts of an aging population in Hawai‘i; and addressing an ever-changing global economy in Asia and across the Pacific and the impacts these changes may have upon the economic vitality in Hawai‘i.

3. Create a cohesive and multi-functional planned community that embraces a transformative ideal of “live, work, and play.”

The lands of Ka’ākaukukui and Kukuluāe’o have and continue to be a place where communities have settled to live, work, and play. The area historically has been one that has supported the needs of a middle-class working community. It is also a place that supported a diverse heritage of people of different ethnicities. It is also a place where people still gather to find recreation, relaxation, and reflection within the urban corridor. The strategic framework should provide alternatives that include a sensible arrangement of a residing and working community whose density is appropriate that is intimate enough for people to still know each other. It should also provide alternatives for vibrant places of interaction and open space, an all-around engagement to create choices for living and working in an area that are deemed vital and central to regional growth.

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Understanding and integrating the elements of ancestral connectivity to further pursue these themes in the strategic management framework is important to convey and define in seeking balance between culture and commerce. A key component to developing this understanding is to identify wherein the knowledge, practices, unique experiences/perspectives that are site-specific, or cultural values ascribed to these landholdings can further inform and guide how these themes can help decision-makers achieve the stated strategic goals of the institution and the policies for these landholdings.

Known Cultural Beliefs, Customs, Practices Associated to Kaka'ako Makai

Numerous ethnohistories, archaeological investigations, and cultural studies have occurred within the general Kaka'ako area as far back as the early 1960s. The intent of this paper is provide a succinct summary of available information relative to the known cultural beliefs, customs, practices and values associated directly with the OHA KM parcels or within the general vicinity of the traditional landscape in which these lands lie. This paper will not resynthesize the information contained within these other sources documents. Rather it will present them in annotated form and then outline specific recommendations to guide the strategic framework plan.

Hawaiian beliefs, custom, and practices encompass a full range of traditional, subsistence, cultural, and religious activities that 'ohana have engaged in for multiple generations to live as a people in a unique island environment. Thus, the beliefs, customs, practices, and values stem from every major aspect of Hawaiian lifestyle and livelihood including: community life, family, human well-being and spirituality, stewardship and use of natural and cultural resources, ancestral obligations and legal rights, and economics. Traditional subsistence practices, beliefs and customs included but not limited to: cultivation of plants and marine resources for food, structures, implements, medicine, adornments, ceremonies and rituals, clothing, cooking, fuel, mulching; mauka, makai, and stream gathering; hula; spiritual practices; lā'au lapa'au or healing practices; weaving; carving; lei making; swimming, surfing, diving, fishing; and to experience natural phenomena and hō'ailona which convey spiritual messaging. All of these activities were dependent upon having access to land and ocean areas and being able to care for and use the natural and cultural resources (McGregor et al 1997).

For this study, five distinct elements and their known associated beliefs, customs, practices, and values were examined and included: 1) significance of place names; 2) home of royalty; 3) celestial, atmospheric, and predominant meteorological patterns; 4) relationship to land; and 5) relationship to the ocean.

Significance of Place Names

One of the foremost and primary sources of cultural information that lends to an understanding of history, heritage, and cultural identity is in Hawaiian place names that have been recorded and preserved throughout time. Source of names are varied but commonly include inoa ho'omana'o (names of remembrance), inoa pō (names from the realm of ancestral knowledge beyond our own human cognition), and inoa hō'ailona (names derived from a distinct occurrence of an event or pattern that reveals itself as sign or distinguished mark). Place names are culturally important because they:

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- Imbues life and existence to a place
- Create ancestral presence and identity
- Establish an ancestral connection between past, present, and future
- Provide a foundational underpinning that defines the unique and inherent characteristics, phenomena, or cyclic and repetitive events in the natural and spiritual words in a specific geographic place (McKeague 2008).

In traditional times, named localities served a variety of functions, telling people about: (1) places where the gods walked the earth and changed the lives of people for good or worse; (2) heiau or other features of ceremonial importance; (3) triangulation points such as ko'a (ceremonial markers) for fishing grounds and fishing sites; (4) residences and burial sites; (5) areas of planting; (6) water sources; (7) trails and trail side resting place (o'ioi'na) as a rock shelter or tree shaded spot; (8) the sources of particular natural resources/resource collections areas, or any number of other features; or (9) notable events (in the traditional and historic periods) which occurred at a given area. Through place names knowledge of the past and places of significance was handed down across countless generations (KPA 2013).

An investigation of place names will reveal the reasons for those names and the relationship of the area with Hawai'i's people, their philosophy of life, and between kanaka-āina-akua (Kanahale 1997). Further, place names are important cultural signatures etched into the Hawaiian landscape and are embedded with traditional histories, transforming once-empty geographic spaces into cultural places enriched with meaning and significance (Kikilo'i 2010).

Below is a succinct listing of the place names that are associated to the OHA KM parcels or within near vicinity. Known place names beyond the area but in association to other distant mauka points of significance are also identified but not fully detailed in this study.

Kaka'ako, Honolulu, & Kou

The modern district of Kaka'ako is significantly larger than the area which was traditionally known as Kaka'ako. In mid-19th century documents, Kaka'ako is described as a small 'ili within the ahupua'a of Waikīkī but known today as part of the urban fringe and landscape of Honolulu. In addition to including the traditional 'ili of Kaka'ako, the modern Kaka'ako area also encompasses lands once known as Ka'ākaukukui, Kukuluāe'ō, and Kewalo, and even smaller areas—possibly portions of 'ili - called Kawaiaha'ō, Honuakaha, Pu'unui, Ka'ala'a, 'Āpua, and 'Auwaiolimu (OHA 2013, KPA 2013).

Originally the name of a small place at Niukūkahi at the junction of Liliha and School Street which some man turned into a small taro patch, "Honolulu" is the name referenced for much of the coastal downtown urban corridor between Kalihi and Waikīkī. The place name of Honolulu we know today means "sheltered or protected cove" but the area in and around Honolulu Harbor was named Kou, a favored sheltered harbor of O'ahu's chiefly class named after the *Cordia* trees which were a prominent feature on the landscape.

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According to Westervelt (1915), when Kakuhihewa, the noted king of O'ahu divided the island among his favorite chiefs, the area lying roughly between Hotel Street and the ocean, and between Nu'uaniu to Alakea Streets was given to and named after Kou, who was an Ilāmuku or “marshal” for Kakuhihewa. In 1809, the seat of government was moved to Kou by Kamehameha (KPA 2013). In Kou was the noted Pakākā heiau, or temple, built before the time of Kakuhihewa. This temple once stood on the western side of the foot of Fort Street long after the fort was built from which the street was named. Pakākā was owned by Kīna'u, the mother of Kamehameha V. In this temple, the school of the priests of O'ahu had its headquarters for centuries and it was known as a political center. The walls of the temple were adorned with heads of men offered in sacrifice (KPA 2013).

Today, the OHA KM parcels are referenced as “Kaka'ako Makai.” However, these lands are traditionally part of the coastal fisheries and reef system of lands known by their 'ili names, Ka'ākaukukui and Kukuluāe'o, respectively. The original location and extent of the “Kaka'ako” region is a bit ambiguous. One of the earliest known map references that include the name Kaka'ako is on an 1872 C.J. Lyons map of Ka'ākaukukui and Pu'unui which as a coastal point labeled “Kaka'ako” between Cooke Street, 'Ohe Lane, and Ala Moana Boulevard. An 1897 map by M.D. Monsarrat shows the area adjacent to a coastal wharf as “Kaka'ako.”

Famed Hawaiian language and history expert, Mary Kawena Pukui, did not give a meaning for the place name, Kaka'ako. One translation of the name has a varied spelling and application of diacriticals in the word, Kaka'ako, which means “dull, or slow.” However, no other historical evidence would suggest this to be accurate. Thomas Thrum, who published a paper on place names in the 1922 edition of Lorrin Andrews Dictionary of the Hawaiian Language, who Pukui cautioned his translations as unreliable, stated that Kaka'ako means “preparing the thatching.”

The name Kaka'ako comes up in two recorded mo'olelo, the Thrum version of Kū'ula and his son 'Ai'ai, who were the first to teach Hawaiians the various fishing techniques, including line and net making, and how to maintain the ko'a kū'ula and the protocols associated with its care, as well as the ko'a i'a. 'Ai'ai, born in Maui, comes to O'ahu, where in the Kaka'ako regions befriends a man named 'Āpua (also a place name in the area) and the chief Kou who was an expert haiku fisherman. Several other places names include Kuloloia (former beach extending from Fort Street to Kaka'ako) and Kapapoko (an eating house near the harbor used by Ka'ahumanu, wife of Kamehameha). Although we today are comfortable with calling the general region as Kaka'ako, one of the first recommendations from this study is to become equally comfortable with referencing the known 'ili names within the area.

Ka'ākaukukui

The name Ka'ākaukukui means “the north or right light” or “the radiating place or lamp” and is the coastal land east of an area traditionally known as Waikahalulu (“water of roaring” and references a former reef filled-in during the 1850s dredging of Honolulu Harbor). The area was a long reef that extended along the shore adjoining Kukuluāe'o to the east and it thought to have been a maritime navigation landmark. The area was fronted by fishponds and salt works. According to Kekahuna,

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Ka'ākaukukui was "a beautiful sand beach that formerly extended along Ala Moana Park to Kewalo Basin, a quarter mile long reef extended along the shore." Bishop's 1884 map shows it extending from Punchbowl to Cooke Street just makai of Queen Street. Lyons's 1876 map shows several place names in Ka'ākaukukui and along the coast. Pukui describes Ka'ākaukukui as a "reef that was filled in to create Kaka'ako Waterfront Park and the rest of lower Kaka'ako, seaward of Olomehani Street" (KPA 2013; CSH 2011; CSH 2009; OHA 2013).

The OHA KM parcels are located on fill land that is identified as the former coral reef of Ka'ākaukukui and Kukulūāe'ō. The 'ili of Ka'ākaukukui was awarded to Victoria Kamāmalu, the sister of Kamehameha IV and Kamehameha V under Land Commission Award 7712 with smaller kuleana lands awarded to seven other native tenants. The lands were administered by Kamāmalu's father and guardian Mataio Kekūanao'a, who inherited his daughter's lands at her death. Early maps indicate the presence of a "beach road" that follows the shoreline. This road roughly overlaps with the present day alignment of Ala Moana Boulevard. The surrounding area over time transformed from a primarily coastal village to a maritime industrial area.

Ka'ākaukukui once consisted of three non-contiguous sections, a type of 'āina called a lele. An early surveyor for the Hawaiian Government Survey office explains about lele in general, and Ka'ākaukukui in particular:

There were two features of the 'ili, referred to by the terms lele- the 'ili often consisted of several distinct sections of land—one, for instance, on the seashore, another on dry, open land, or kula, another in the regularly terraced and watered kalo patch or aina loi district, and another still in the forest, thus again carrying out the equable division system which we have seen in the ahupuaa. These separate pieces were called, lele, i.e., "jumps," and were most common on Oahu. Ka'ākaukukui held Fisherman's Point and the present harbor of Honolulu; then kalo land near the present Kukui street, and also a large tract of forest at the head of Pouoa [Pauoa] valley...These different pieces were called variously, either by their own individual name or by that of the whole 'ili, thus puzzling one sadly when attempting to obtain information with respect to them. (CSH 2011)

Ka'ākaukukui or Kekaukukui was close to Ulakua, and was the place that small kōnane boards were laid. There were flat stones with rows of little holes in which a game was played with black and white stones. Here Māmala and Ouha drank and played kōnane. Here also Kekūanao'a built his home (KPA 2013; OHA 2013; CSH 2009; Ganda 2008).

Other place names within or adjacent to Ka'ākaukukui are worth noting. A land area at Ka'ākaukukui was a place called Kaloko'eli (the dug pond) that adjoined Kuaimeki (purchased metal), both noted for its salt works. Also, Pu'unui (large hill or mound) was a detached 'ili in several locations, noted for its salt making ponds in the vicinity extending from Queen Street near Hale Kauwila towards Ka'ākaukukui.

'Āpua (woven fish basket) was the name of coastal flats between Richards, Queen, and Punchbowl Streets, named after a fisherman resident of the land near Ka'ākaukukui. According to an 1876 map of

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the area, a large portable observatory was housed in 1874, where several astronomers arrived from Great Britain to observe a rare transit of the planet Venus across the sun. Permission to use this area was granted by then King David Kalākaua and a station housing an equatorial telescope, a transit instrument, an altazimuth, clocks, and chronometers, compasses were installed (KPA 2013, OHA 2013; CSH 2009; Ganda 2008). Kūāi was the name of a canoe landing in Ka'ākaukui, where the Honolulu Iron Work was located and where the former point of Fort Armstrong was before the land was filled in (OHA 2013; CSH 2009; Ganda 2008; Kekahuna 1958). Kaholoakeāhole was the name of the waterfront district of Kaka'ako (OHA 2013; CSH 2009; Ganda 2008). Pu'unui was a detached 'ili land in several locations. The coastal section of Pu'unui was noted for its salt-making ponds in the vicinity extending from Queen Street, across Halekauila to Ka'ākaukui (KPA 2013; OHA 2013; CSH 2009; Ganda 2008).

Kukuluāe'ō

Kukuluāe'ō, translates as the "Hawaiian stilt bird", scientifically known as *Himantopus himantopus*. The name also means to "walk on stilts". Pukui describes the area as the "tract formerly fronting Kewalo Basin, Honolulu, containing marshes, salt pans, and small fishpond." The ethnographer Henry Kekahuna described it as an area where salt was formerly made (KPA 2013; OHA 2013; CSH 2009; Ganda 2008).

Kukuluāe'ō was a famous place in ancient times and the heiau here was Pu'ukea and was noted for its fish and salt ponds. Translated literally as "white hill", the name of Pu'ukea is referenced to the name of a heiau built by Hua-nui-ka-la-la'ila'i, a hereditary chief of Oahu, who was born at Kewalo and is also a small land division within Kukuluāe'ō (KPA 2013; Kamakau 1991).

Nine known LCAs were awarded in Kukuluāe'ō: 982 (Kukao, one houselot); 1366 (Wahiena); 1499 (Kapalu); 1503 (Puaa, one house lot and 3 fishponds); 1504 (Pahika, one house lot, fishpond, and salt bed); 1592 (Kauo), and 1903 (Lolohi), 9549 (Kaholomoku, fishpond and four saltponds), and 10463 (Napela, house site, two ponds, and salt lands). In the testimony for LCA 1903, located in the Kukuluāe'ō, Lolohi claimed four separate types of salt features: the ponds near the shore that fill with salt water at high tide (ālia); the drains where the salt water is transferred to smaller clay-lined or leaf-lined channels (ho'oliu); the natural depressions (or modified depressions) in the rocks along the shore where salt formed naturally (poho kai); and the land that could probably not be used for agriculture as it was impregnated with salt (kula).

Ahuaiki (little mound/hillock) also written as Ahukai was the name of a fishpond/salt pond area situated in Kukuluāe'ō bounded on east side by the Auwai o Paki (water channel of Paki) which in Māhele claims, native tenants of kuleana lands identified the water course extending into the area (KPA 2013).

Kolowalu

Kolowalu was a small land section between Kukuluāe'ō and Kewalo that encompassed a large fishpond. Pukui does not give a meaning for Kolowalu Pond, but they interpret the name of Kolowalu, a ridge in Mānoa, as "eight creeping." Since Kolowalu Kai was probably a lele of Mānoa, it is possible that "eight creeping" is also the correct interpretation for the pond name. The kolowalu law was initiated by the

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Hawaiian chief Kūali'i, who ruled O'ahu from about 1720 to 1740. This law protected the rights of commoners and provided food to the hungry (CSH 2011).

Kewalo

Translated as “the calling”, this place name covers the kula land and coastal region, once noted for fish and salt ponds in the area. There was once a famous spring at Kewalo near the ponds, where victims of sacrifice at Kānelā'au Heiau on the slopes of Pūowaina were first drowned. The priest when holding the victims head under water would say to her or him on any signs of struggling “moe mālie i ke kai o ko haku”- lie still in the waters of your lord. From this it was called Kawailuma'iluma'i (drowning waters). The law under which these sacrifices were made was called Kakaihehe'e.

Kewalo was also the nesting ground of the owl who was the cause of battle between the owl and the king Kākuhihewa. In one legend, Kewalo is a marsh near the beach, where tall pili grass grew. A man named Kapo'i went to this area to get thatching for his house. While there, he found seven eggs of a pueo (Hawaiian short-eared owl) and took them home to cook for his supper. An owl perched on the fence surrounding his house and cried out “O Kapo'i, give me my eggs!” After several such pleas, Kapo'i eventually returned the eggs. In return, the owl became his 'aumakua (deified ancestor) and instructed him to build a heiau named Mānoa. Kapo'i built the heiau, placed some bananas on the altar as a sacrifice, and set the kapu days for its dedication. The king of O'ahu, Kākuhihewa, who was building his own heiau, had made a law that if any man among his people erected a heiau and set the kapu before him, that man should die. Kapo'i was seized and taken to the heiau of Kūpalaha at Waikīkī. Kapo'i's 'aumakua asked for aid from the king of the owls at Pu'u Pueo in Mānoa, who gathered all of the owls of the islands. They flew to Kūpalaha and battled the king's men, who finally surrendered: “The owls scratched at the eyes and noses of the men and befouled them with excrement.” From this time, Hawaiians considered the owl a powerful akua (god, divine). Because of this battle, the Hawaiians name the area Kukaeunahiokapueo, which means, “the confused noise of owls rising in masses” (KPA 2013; OHA 2013; CSH 2009; Ganda 2008; Kamakau 1991).

There was once a freshwater spring in the central portion recorded in the proverb “Ka wai huahua'i o Kewalo” (the bubbling water of Kewalo). One mo'olelo tells of the two children of the chief Ha'o, who ran away from their stepmother. They stayed for a time at Kewalo but left when their stepmother sent men to look for them. They tried to travel to Kou, but collapsed from weariness and thirst. In a dream, the children's mother told them to pull up a plant. When they did, they found a spring (OHA 2013; CSH 2009; Ganda 2008).

Ke Kai o Māmala

Ke Kai o Māmala was the name of the surf which came in the outer entrance of the harbor of Kou. It was named after Māmala, a chiefess who loved to play kōnane, drink awa and ride the surf. Her first husband was the shark man Ouha, who later became a shark god, living as a great shark outside the reefs of Waikiki and Koko Head. Her second husband was the chief Honoka'upu (Albatross bird bay), to whom the king gave the land east of Kou, which afterward bore the name of its chief (KPA 2013).

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Her story as recorded by Westervelt (1915), mentions many names of people which were later made into the place names of Honolulu and surrounding districts. A synopsis of this legend is included here:

Kou was a noted place for games and sports among chiefs of long ago. A little to the east of Kou was a pond with a beautiful grove of cocoa-nut trees belonging to a chief, Honokaupu, and afterward known by his name. Straight out toward the ocean was the narrow entrance to the harbor, through which rolled the finest surf waves of old Honolulu. The ocean bore the name, Ke-Kai-o- Māmala (the sea of Māmala) and the high surf bore the name Ka-nuku-o- Māmala (the mouth or peak of Māmala).

Māmala was a chiefess of kupua [supernatural] character. This meant that she was a mo'ō [nature-water form goddess], as well as a beautiful woman, and could assume whichever shape she most desired. One of the legends says that she was a shark and woman, and had for her husband the shark-man Ouha, afterward a shark-god having his home in the ocean near Koko Head. Māmala and Ouha drank awa together and played konane on the large smooth stone at Kou. Māmala was a wonderful surf-rider. Very skillfully she danced on the roughest waves. The surf in which she most delighted rose far out in the rough sea, where the winds blew strong and whitecaps were on waves which rolled in rough disorder into the bay of Kou. The people on the beach, watching her, filled the air with resounding applause, clapping their hands over her extraordinary athletic feats. (KPA 2013)

Kuloloia

Kuloloia is another name of significance along the former Kou/Honolulu waterfront. It was the name of the beach which extended from about the foot of Fort Street to Kaka'ako, Honolulu. Lengthy narratives which cover locations inclusive of Kuloloia and Mamala describe the establishment of a fishing shrine at Kou (KPA 2013).

Celestial, Atmospheric, and/or Predominant Meteorological Patterns

Recognizing the relationship and importance to the vertical space between the land and the sky is important in understanding the relevance and relationship of that spatial division between man and akua. Kanaka 'Ōiwi are guided by the cosmic animation that occurs within the higher heavens and the lower realms of space closest to earth. This animation manifests itself through the pattern of cloud movement, rain sequences, and the seasonal revelations that denote periods of our earth's movement and its accompanying moon in relation to their path around the sun and other celestial bodies in the universe (McKeague 2008). Further, particular natural phenomena and cultural areas are important as traditional domains of 'aumakua or ancestral spirits and deities, where Hawaiians renew and fortify their ties to ancestors through experience of natural phenomena and witnessing hō'ailona or natural signs, including those in the celestial, atmospheric, and meteorological realms (McGregor et al 1997).

Due to the diversity of topography and geographic conditions and their impact and generation of micro-climates, each island is blessed with unique features of wind circulation and rain distribution. Further, the relationship between the ocean and island temperatures generates sea-land breeze conditions due to variance of temperatures and impacts to atmospheric pressures. This generates cyclic patterning and phenomena of cloud gatherings and periodic rain spells that are common in some areas. No place-specific wind or rain names are known for Kaka'ako, Ka'ākaukui or other associated areas.

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One of the primary wind chants (Wind Gourd of La'amaomao) provides the following:

**Pu'uokona is of Kuli'ou'ou,
Māua is the wind of Niu,
Holouha is of Kekaha,
Mānuunu is of Wai'alae,
The wind of Lē'ahi turns here and there,
'Ōlauniu is of Kahaloa,
Wai'ōma'o is of Pālolo,
Kuehulepo is of Kahua,
Kūkalahale is of Honolulu,
'Ao'aoa is of Mamala,
'Ōlauniu is of Kapālama,
Haupe'epe'e is of Kalihi,
Kōmomona is of Kahau'iki,
Ho'e'o is of Moanalua (Nakuina 2005)**

However, patterns of rain and wind movement especially sea-born wind and near vicinity off-shore showers are common occurrences in this landscape. Oratorical traditions cite that the known winds and rains for Honolulu such as the Kūkalahale wind and rain and the 'Ao'aoa wind that blows through Māmala would have some influence or presence within the OHA KM lands. 'Ao'aoa, also called 'Aoa is a sea breeze at Honolulu that blows gently toward land and is probably the wind closest associated to the OHA parcels. Also, the Moa'e is a Honolulu north wind, typically known as the prevalent tradewinds. Mū'ululū is a chilled wind of Honolulu (Garcia 2008; OHA 2013).

Celebration of seasonal change

Seasonal movements were celebrated in traditional Hawaiian culture as evidence by the demarcation of the two seasons, kau and ho'oilio, dry and hot seasons, respectively and known practices related to movements of celestial bodies. The arrival and movement of the sun during the two periods of Ka Piko o Wakea (spring and autumn equinox) and Ke Ao Polohiwa a Kāne (summer solstice) and Ke Ao Polohiwa a Kanaloa (winter solstice) also provided a means for Kanaka 'Ōiwi to develop their own calendar year and purposefully built-in this knowledge into their planning and construction of sacred structures. The arrival of the constellation of Makali'i (Pleiades) demarcated the period of a new Makahiki season and soon arrival of the Lonoikamakahiki derived rains that would commence during the winter months. Additionally, for all traditional daily 'oihana or Hawaiian practices, include agricultural and fishing activities, the tracking the kaulana mahina (positioning of the moon) through its own seasonal cycle was instrumental in the survival and adaptability of man to environment through observation of change and opportunity to engage the land (Nu'uhiwa 2013).

In a study conducted by noted Hawaiian scholar, Rubellite Kawena Johnson, she noted that there are distinct indigenous terms and perception expressed in the "concepts of dimension express in the symbolism of profane space made sacred by related sky to earth, which is a rationalization of cosmology". There is a trigonometric relationship and importance to understanding how heiau were constructed in reference to this concept of dimension (Johnson 1982).

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Given the known and prevalent relationship of the OHA KM parcels to on-going ocean-related activities and marine extraction and cultivation, it would be assumed that the traditional po'e of these lands would have derived their own methodology of observation, analysis, and conclusion to the unique natural phenomena occurring within the oceans and land and the overall correlation to the celestial, atmospheric and meteorological movements. There are no known practitioners or keepers of knowledge distinct to these lands. However, there are resources of individuals in modern time that could help resuscitate the cultural practice of observational learning over time on these OHA lands.

Relationship to the Land

For Kanaka 'Ōiwi, the land and natural elements are the foundations of subsistence, cultural and religious belief, custom, practice, and identity. The land and the natural environment are alive, respected, treasured, and venerated (McGregor et al 1997). Even within an urban environment and context, the value, association, and relationship to land and the responsibilities of appropriate stewardship are not obviated (McKeague 2005). The land is one hānau (birth sands), and kulāiwi (resting place of ancestral remains). The land lives as does the 'uhane (spirits of family ancestors who nurtured both physical and spiritual relationships with the land). The land has provided for generations of Kanaka 'Ōiwi and will provide for those yet to come (McGregor et al 1997). For this study, the elements relevant to the relationship to land include: trails, wahi kanu (burials), agricultural lands and fishponds, residence of ali'i (Hawaiian royalty) and maka'āinana (commoners) will be discussed.

Trails

In the late 1700s and early 1800s, during the time of Kamehameha I, a trail to the sea at Kaka'ako was located on the makai side of Koaopa, near King Street and downtown Honolulu. The trail to the sea continued to the area where a ship called Namahana was once anchored. The ship was berthed on the north side of the home of Na'ahu, at the place where Halakika later lived. Kaka'ako was at that time the home of fishermen, and below the trail lived the kahuna Hewahewa along with several other kahuna. These kahuna were very powerful and were of the kanalu class (priests of Kū serving in the luakini temple). The fishing settlement extended along the coastline for some distance and probably included a dozen or more traditional-style dwellings (Garcia 2008).

John Papa 'Ī'i mentions some of the lands of Kaka'ako while discussing early nineteenth century trails in the Honolulu/Waikīkī area. The fact that a trail traversed this region, characterized by ponds, marshlands and lo'i, suggests that the trail, especially as it neared the coastline at Kālia, must have run on a sand berm raised above surrounding wetlands and coral flats. On the makai trail (probably close to the current alignment of Queen Street), walking from Waikīkī to Honolulu, the following is noted:

The trail from Kālia led to Kukuluāe'o, then along the graves of those who died in the smallpox epidemic of 1853, and into the center of the coconut grove of Honuakaha. On the upper side of the trail was the place of Kīna'u, the father of Kekauonohi. From the makai side of Koaopa was a trail to the sea at Kaka'ako, where stood the homes of the fishermen. Below the trail lived Hewahewa and his fellow kahunas (CSH 2009).

Today, pedestrian access is somewhat limited to available sidewalk and park experiences with a meandering path system within the Kaka'ako Waterfront Park. There is ample opportunity to evaluate and assess how a predominant pedestrian level experience can be purposefully created along a shoreline promenade as well as integrated interior path system that provide visual and relationship access to lateral mauka-makai corridors.

Mālama Iwi Kūpuna a Wahi Kanu (Protection of Ancestral Human Remains and Burials)

The term 'Ōiwi invokes an insight that our individual existence as contemporary Hawaiians is predicated upon the inherited transference and continuance of mana that extends from our mo'okū'auhau, the specific genealogical and temporal association we have to our ancestral past. Even after death, although the spirit of the individual may have continued its journey in one of the understood realms of the afterlife, the ancestral remains are genetically imprinted and spiritually imbued with the mana of that individual and are the physical remnants in which the 'uhane, the spirit, remains identified. Within the burial context, the physical connectivity between iwi kūpuna and 'āina stimulates the cyclic process whereupon the mana of the individual returns back to the collective energy to "that which feeds and devours", poetically understood as returning to the womb of Papahānaumoku. Although mana is retained by an individual from life into death, its origins emanate from ancestral sources that are beyond our own understanding. Thus, we are symbolic extensions or branches from these sources, which is a secondary meaning of mana. Iwi kūpuna are the primary essence of our identity and being from which the totality of our connection to that ancestor lies within the in the "genetics" of the ancestral path. The cyclic process of mana is metaphorically framed in the term, kulāiwi, which translates as the "bone plain" or "bone source," reinforcing the understanding that the homeland or birthplace of our people is defined as the physical and cultural space in which the bones of our ancestors have been and will continue to be buried. Thus, the disinterment and eviction of iwi kūpuna from their sacred space of ho'okanu, of a spiritual and physical cultivation and connector with the 'āina, is a negative influence on the balance of life and the sustenance of mana. Justified acts of bone disturbance only took place under the patronage of the family or kahuna tasked with their protection, which was a rare exception for purposes to protect from other wanton acts of desecration (McKeague 2005).

Burials in the Kaka'ako urban corridor are probably the most significance and abundant "resource" that requires the utmost sensitivity and planning to ensure they are treated and cared for with utmost respect. Traditionally, unmarked Native Hawaiian burials were a common feature along this coastline given the soil conditions (sandy beach), the unique historic land tenure practices (traditional population settlements nearshore with small family burial plots as late as the 1920s), and significant events in history (battlefront and large epidemic diseases) that have resulted in many subsequent encounters with traditional burials in the modern era. Additionally, cluster of historic burials, such as Ka'ākaukukui Cemetery, have been found throughout the area (Garcia 2008).

Iwi kūpuna are typically found in areas containing Jaucus Sands, or calcareous sand deposits. For the OHA parcels, the majority of these lands were filled in on a once abundant reef system from traditional times through the early 20th Century. Therefore, it is initially thought that within the vast majority of

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these lands, there is potentially less likelihood of encountering burials. However, any planned subsurface improvements along or near Ala Moana Boulevard or extending out from the project area into more mauka areas (like the potential need of utility or infrastructure improvements) should include early planning efforts to conduct archaeological investigations to verify and validate any concerns. It is important to also note that often the historic fill that was brought in to places like Kaka'ako came from several sources including 'Āina Haina, Pūowaina, Kewalo, Ala Wai, and Ala Moana. Past discoveries of disarticulated iwi kūpuna fragments within fill layers are known to have occurred and should be considered for any project planning in Kaka'ako.

Agricultural and Inland Fishponds

In terms of natural resources, the coastal Kaka'ako lands were not well suited for agriculture and it appears that people living here acquired most of their food from the mauka areas, particularly Nu'uaniu and Pauoa. Resources of importance to the coastal area included a large number of fishponds and salt pans. Subsistence activities at Kaka'ako, especially in the late period of Hawaiian history, included tending to the area's large, subdivided, inland fishponds. One of the fishponds in Kaka'ako was situated in Kewalo, makai of King Street) (Garcia 2008). Greater detail regarding marine cultivation and resource extraction is provided in a subsequent section below.

Residence of Hawaiian Royalty and Maka'ainana

Around 1810, Honoukaha was a cluster of grass houses for the compound of the chief Kīna'u, which was located along a major trail that extended from Honolulu to Waikīkī. Many house lots were awarded in this area near the corner of Punchbowl and Queen Street, in the mid-nineteenth century Māhele. Honuakaha was near a major crossroad, near fishponds in the Ka'ākaukukui and Pu'unui 'ili, and most importantly, near the salt lands along the Kaka'ako coast. The high ali'i and the royal household had interests in the lucrative salt trade, and they built their houses near the saltpans, mauka of the marsh lands.

John Dominis Holt, who had several Hawaiian ali'i on both sides of the family, had many relatives who lived in this area in the late nineteenth century, including his great-grandparents Owen Jones Holt and Hanaka'ulani, who lived in a house called Hale o 'Āpua (near 'Āpua Pond). His great-grandparents lived makai, on the north side of Punchbowl and Halekauwila, and his relations, Princess Kekaulike and her sons, David Kawanakoa, Jonah Kūhio, and Edward, lived across the street. Princess Ruth Ke'elikōlani also had a house nearby on the west side of Punchbowl Street, makai of Queen Street (CSH 2009; Garcia 2008).

Other documented events to note regarding the presence of royalty included the daughters of Kamehameha's fishermen who were well known to play the 'ūkēkē in Kaka'ako. 'Ūkēkē consisted of a piece of coconut stem and midrib, held over the mouth and strummed. The girls would draw crowds of listeners to Kaka'ako to enjoy their 'ūkēkē strumming. Another account details that in 1810 the American sailor Isaac Davis, confidant to Kamehameha, passed away. His funeral procession went to Kewalo and he was buried there on land owned by a foreigner. An 1817 map by Russian commander

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Otto von Kotzebue showed the location of a cemetery in Kewalo next to fishponds and trails that connected Honolulu and Waikīkī, and this may be the cemetery where Davis and other Europeans who died in the early 1800s were buried (Garcia 2008).

Concomitantly, as mentioned in earlier discussions, during the historic transitional period, the issue of habitation and settlement of *maka'āinana* under a new set of western laws versus what was considered an ancestral obligation and privilege to the land and its resources came to the forefront in Kaka'ako. Between 1900 and 1909 the Ka'ākaukui reef became home for a group of Gilbert Islanders who came to work on the sugar plantations and established a squatters' settlement on the reef. By the mid-1920's the community numbered about 700 Hawaiians and part-Hawaiians. During this period of development and change during the 1920s "Squattersville", as Kaka'ako was referred to at that time, continued until the Territorial government started evicting people in 1924 and razed dwellings in May of 1926. A summary of this period of change is accounted:

The shoreline land that Squattersville occupied was known as Ka'ākaukui, commonly shortened to 'Ākaukui. The majority of the homes were comfortable and sturdily built. The dwellings that lined the seashore, where the present Olomehani Street now runs, were protected from the ocean by a low sea wall about three feet high. Relatives and friends of the residents often went there to spend weekends and summers. By the mid-1920s, the community numbered about 700 Hawaiians and part-Hawaiians, but because of the illegality of their settlement all of the families were evicted by May 1926 and all of the dwellings were razed.

During the 1930s and 1940s, the Ka'ākaukui area continued to be heavily utilized as a fishing and swimming area, especially by children from the nearby community of Kaka'ako. The children surfed on redwood planks in the break they called 'Stonewall.' Many varieties of fish were abundant. Younger divers were warned by old-time residents to stay away from the large shark hole on the Waikīkī side of Kewalo Channel. Many people came to this area to pick *limu* and *wana*, and also to catch squid on the shallow reef.

In August 1948 a severe change took place. The City and County began work on a project to provide a dump for the noncombustible material from the nearby incinerator. A huge seawall was constructed, 10 feet high, 10 feet wide on top, and 30 feet wide at the base, and it extended 500 feet seaward from the old shoreline. From its outer extremity, along the edge of Kewalo Channel, the wall was continued parallel to the coast all the way to Fort Armstrong... With the completion of the seawall in 1949, filling operations began and in the mid-1950s the shallow reef of Ka'ākaukui was completely covered over. Twenty-nine acres of new land had been added to the old shoreline. (Clark 2005)

Another article entitled *Ka 'Āina o Ka'ākaukui a me Kukuluāe'o, or The Land of Ka'ākaukui and Kukuluāe'o* that was published in the 1925 edition of Nūpepa Kū'okoa (The Independent Newspapers), a Hawaiian language newspaper, reflected on the issue of Hawaiian settlement during the post-Māhele period and the attempt to bring these lands under the newly established Hawaiian Home Act:

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KA AINA O KAAKAUKUKUI AME KUKULUAEO.

He elua mau olelo hooholo, i hookomoia ae iloko o ka hale o na lunamakainana, e koi ana i ka ahaolelo lahui, e hoihoi ae i na aina o Kaakaukukui ame Kukuluaeo malalo-ō ke Kanawai o na Home Hawaii, no ka hoopulapula ana i na Hawaii; no keia mau olelo hooholo, he elua mau hoike i waihoia ae e ke komite o na aina aupuni, o ka hoike a ka hapa uuku o ke komite, e hoolē ana ia i ke apono ana aku i na olelo hooholo, ma ko laua mau ano i hookomoia ae ai; ma ka hoike hoi a ka hapanui o ke komite, e apono ana ia i na olelo hooholo, me ka waiho ana aku na ka ahaolelo e hooko mai i ka make-make o kela mau olelo hooholo, a hoolē mai paha.

Hookahi mea maopopo loa ma ka nana aku i kela mau hoike a ke komite, ua hookahuaia kekahi hoike maluna o ke kahua pololei, a ua hookahuaia kekahi, maluna o ke kahua politika.

Ma ka mea oiaio, o na aina o Kaakaukukui ame Kukuluaeo, he mau aina ia a ke aupuni i kuai aku ai a lilo mai, no kekahi mau hana a ke aupuni i makemake ai e hoohana aku maluna o kela mau aina; o ka hoi ana aku o kekahi poe kakaikahi a noho maluna o ua mau aina la iloko o keia mau la, ua hoi aku lakou me ke kuleana ole, koe wale no malalo o ka lokomaikai o na luna oihana o ke aupuni, i kuleana i na aina aupuni, me ka hooneleia nae o na makainana e ae, mai ka pono mai, e noho ma kela mau aina.

Ua maopopo no i na Hawaii e noho nei maluna o kela mau aina, e hōea mai ana ka la e ku ai lakou a hele mai kela mau wahi aku, no ke kumu, aole o lakou kahua paa e mau ai ka noho ana malaila, pela e kau aku nei ko lakou mau manaolana, ma o kela mau olelo hooholo ae la elua, no ka ae mai o ka ahaolelo lahui, e lilo keia mau aina i mau aina hoopulapula no na Hawaii.

O ka ae mai o ka ahaolelo lahui, a ae ole mai paha, he ninau okoa loa ia i keia manawa, hookahi nae mea maopopo aole no e kuleana ana na Hawaii i na wahi a lakou e noho mai nei, no ka mea aia iloko o ke komisina o na Home Hawaii, ka mana ame ke kuleana e ae aku ai i ka poe noi, no ka noho ana ma kela mau wahi, ma keia ano, e kōiia mai ana ka poe noi, i kekahi mau hookuonoona ana ma ko lakou aoao iho, mamua o ka hiki ana ia lakou ke hoi ae a noho ma kela mau aina.

Mamua o ka nui loa ana aku o ka poe e hoi ana a noho maluna o kela mau aina he mea pono, e lawelaweia kekahi mau hana, ma ka aoao o ke aupuni, i wahi e ikeia ai, aole he hana maalahi, ka hoao ana e mau'e wale aku maluna o ko ke aupuni mana.

Mamuli o ka hua'iia ana ae o kekahi hana ohumu iwaena o na koa ma Lelehua, no ke kukulu aku i ahahui, e ku-e ana i ke aupuni i noho hana aku ai lakou, i pio koke ai ke ahi i ke kinaiia i ka wa pono loa, mamua o ka lalapa ana ae o kona ulahi, e lilo ai i hana paakiki ke kinai ana mahope aku. Elike me ka anoano i luluia, pela no e ohi ai ka poe na lakou kela hana i na hua awahia, elike me ka hoopai i kauia mai maluna o ke alakai o kela hana.

Ma na hoike i waihoia ae imua o ke komite hoonaauao o ka hale o na lunamakainana e pili ana i na kumu hoohalahala no ke ano o ka malama ame ka hoohanaia ana o ka Home Waimano o na keiki nawaliwali o ka noonoo, he mea pono no e kapaeia aku ke poo o kela home, ina ia he kumu e nohoalii mai ai na ano maikai ma kela home ma keia mua aku.

Relationship to the Ocean

The Ka Moana Nui is the vast expanse of ocean water that connects Hawaii within the Pacific and portals to the rest of the world. The deep ocean expanse is the realm that belongs primarily to Kanaloa, the akua that tends to the needs of long-distance navigators, fishermen, and anyone seeking its resources and curative powers. Near the shoreline areas and reefs specifically, the realm belongs to Hina and to some extent Kū. Hawaiians considered the land and the ocean to be integrally united and land sections inclusive of the shoreline were considered to be most complex in ensuring ponds, fishing grounds, and ko'a were constructed and maintained in a manner to ensure that both ecological systems and their inhabitants thrived. Modern observation and known accounts of humpback whales (*Megaptera novaeangliae*), green sea turtles (*Chelonia mydas*) and spinner dolphins (*Stenella longirostris*) off the deeper waters fronting the OHA KM parcels have been witnessed. There has been as recent September 2013 an observation of a tiger shark (*Galeocerdo cuvier*) roaming the inner surf break fronting Kaka'ako. The endangered Hawaiian monk seal (*Monachus schauinslandi*) have been seen along O'ahu's southern shores and are becoming more common place.

One clear haumia (act of defilement) that exists and will continue to be an issue of consideration is the past historical uses of the area as a dumping ground. Issues regarding potential toxic and hazardous contamination are a concern to the long-term life-sustaining ability of these lands and their impact to nearshore waters. However, although the existing shoreline is the result of land-filling activities that took place in the early 1900s and mid-1950s, the coastline continues to be used for fishing, shoreline gathering, and other recreational activities including swimming and surfing. In the vicinity of the OHA KM parcels, these ocean-related activities primarily occur at Kaka'ako Waterfront Park which is located within the heart of the OHA lands. Access to the Park and shoreline is via surface streets terminating at the Park's parking lot which is typically where ocean goers leave their cars. (Clark 2005).

Surfing

There were no identified traditional accounts specifically related to surfing the waters that front the OHA KM parcels. However, there are traditional stories for other areas of the southern shoreline including those of Māmala and Kālia. In modern times, nicknames have been derived for popular surf breaks. "Flies" or "Incinerators" (nicknames that comes from when the park was a landfill) is a hidden surf break just west of "Point Panic", located out from a rock jetty with very little reef and a break in deep water. "Point Panic" is a surf break just to the west of Kewalo Basin Boat Channel, mostly utilized by bodyboarders. "Kewalo(s)" is known today as a fast hollow wave that breaks on the shallow reef located right outside the mouth of Kewalo Basin straight out from the Basin Park and the first of many surf breaks that stretch across Ala Moana Beach Park, with summer swells that can reach 4-6 feet. Access and protection of these surf spots are important to many community and cultural users.

Marine Resource Extraction and Gathering

In the Kumulipo, one of the first elements of life to emerge was the coral polyp. As such, this is the older sibling (of the sea) and a means from which sustenance could be acquired. In general, the hierarchical systems of practice to instill the sense of rank between kanaka and 'āina (or in this case the kai and ko'a) must be deemed sacred (McKeague 2005).

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The ae kai and kai he'e nalu are believed to be both the realm of Hina and her multitudinous forms including Hinahele (coral reef), Hinaopuhalakoa (corals and spiny creatures of the ocean) as well as Kaneikekokala, -kokalaloa, -kokalaiki (Kane of the coral, of the long and short). Oral history document that corals were utilized as abrasives but also as medicines (Beckwith 1970).

Although there appears to have been limited numbers of wet-taro-growing plots, the general physiographic characteristics of low-lying marshy environments once offered favorable conditions for fishpond construction in the inland portions and salt-making along portions of the shore. Fishponds, which required a substantial input of labor and careful management, largely fell into disrepair, and lands previously dedicated to raising fish were infilled. Salt making areas along the coast were used for other purposes as land-use pressures from the adjoining areas of Honolulu and Waikiki increased (CSH 2009).

Other Kaka'ako area subsistence references are found in mo'olelo involving the renowned 'Ai'ai. 'Ai'ai was befriended by a man named 'Āpua, with whom he stayed for several days. 'Ai'ai was observing Kou, a chief and expert fisherman whose grounds were from Māmala to Moanalua. Kou was known for his fishing skill as well as his generosity for giving aku to the people in the region. While 'Ai'ai was staying with 'Āpua at Kaka'ako, he wandered off one day along the shore of Kuloloia (a former name for the coastline from Fort Street to Kaka'ako). He continued on to Pākākā, an area 'ewa of Kaka'ako. 'Ai'ai did not return to 'Āpua's house because he met a young woman collecting limu and crabs (Garcia 2008).

In a 1975 interview, James "Kimo" Kalua described the area near the ocean before it was filled by the city. As a child he lived in Squattersville, which was near Kewalo Basin. At that time the shoreline was at Olomehani Street, and the water came up to a low stone wall. The reef was full of limu, and many Japanese came from Kaka'ako to pick ogo. There was also a lot of wana, squid, and fish. They made their own goggles by carving hau branches and inserting pieces of glass. Strips of inner tube were utilized for the head straps. They surfed on the old redwood planks. In 1948 the city decided to make a dump for the new incinerator, and they built a boulder sea wall along the boat channel and across the reef. It surrounded a wreck of a PT boat called the La Putita. The boat had been his playground, but by 1956 the boat and the reef were covered over by fill (Garcia 2008).

Several kinds of reef fish were caught in the Kaka'ako area, including 'aweoweo (Bigeye; *Heteropriacanthus cruentatus*), manini (convict tang; *Acanthurus triostegus*), 'ōpelu (mackerel scad; *Decapterus macarellus*), 'aholehole (possibly, *Kuhlia xenura*), and 'ama'ama (Striped mullet; *Mugil cephalus*), and squid. Several of her uncles were aku sampan fishermen at Kewalo Basin. After selling their catch at the fish auction, they divided any extra fish amongst themselves and shared it with their families (CSH 2011).

Very few fishes are seen in the inner harbor and other than the dominant alien black-chin tilapia, most of these are found in proximity to Kewalo's harbor's entrance channel. Thus the inner harbor is biologically degraded and few native species are present. During a 2010 survey five turtles were sighted

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with four of these being 400 m or more offshore of the shoreline fronting Kewalo Basin. Protected invertebrate species that are sometimes encountered in harbor settings include the black-lipped pearl oyster or pā (*Pinctada margaritifera*), the introduced oysters (*Crassostrea* spp.) as well as corals. Fish species of commercial and/or recreational interest that are frequently encountered in harbors include the Hawaiian silverside or 'iao (*Atherinomorus insularum*), juvenile jacks or pāpi'o (family Carangidae), barracuda or kākū (*Spyraena barracuda*), mullets or 'ama'ama (*Mugil cephalus*), flagtails or aholehole (*Kuhlia sandvicensis*), goatfishes (family Mullidae), squirrelfishes or menpachi and ala'ihī (family Holocentridae), surgeonfishes (family Acanthuridae), bigeyes or 'āweoweo (family Priacanthidae) and to a lesser extent a number of other fish species. (Brock 2011)

Fish species commonly caught by hook and line in Kewalo Basin during the 1950's and 1960's included mullet or 'ama'ama (*Mugil cephalus*), uouoa (*Neomyxus leuciscus*), menpachi (*Myripristes* spp.), 'āweoweo (*Heteropriacanthus cruentatus*), pāpi'o (family Carangidae), 'āholehole (*Kuhlia sandvicensis*), needlefish or 'aha (*Platybelone argalus*), halalū or akule (*Selar crumenophthalmus*), goatfishes including weke (*Mulloidichthys flavolineatus*), weke'ula (*M. vanicolensus*) and juveniles ('oama), moano (*Parupeneus multifasciatus*), weke pueo (*Upeneus arge*), mamo (*Abudefduf abdominalis*), kākū (*Sphyraena barracuda*), paki'i (*Bothus mancus*), moray eels or puhi (family Muraenidae) and puffers (family Tetraodontidae) (Brock 2011)

As noted in the Land Commission documents, much of the land in Kewalo and Kukuluāe'ō was used to produce salt. Salt was used to flavor food, preserve fish, for medicine, and for ceremonial purposes. The traditional method of earth salt pans led to the salt works of Kamehameha IV in the Kaka'ako region. One of the earliest accounts of salt making and preparation was recorded by Captain Cook in his journals:

Amongst their arts, we must not forget that of making salt, with which we were amply supplied, during our stay at these islands, and which was perfectly good of its kind. Their salt pans are made of earth, lined with clay; being generally six or eight feet square, and about eight inches deep. They are raised upon a bank of stones near the high-water mark, from whence the salt water is conducted to the foot of them, in small trenches, out of which they are filled, and the sun quickly performs the necessary process of evaporation. . . . Besides the quantity we used in salting pork, we filled all our empty casks, amounting to sixteen puncheons, in the Resolution only. (Cook 1784)

Noted Native Hawaiian historian Malo also discusses salt pans and production:

O ka paakai kekahi mea e pono ai, he mea e ono ai, ka ia, a me ke koekoe o ka paina ana, he mea hana ia ka paakai, ma kekahi aina, aole i hana a ma Kekahi aina, o ke kai makai, e kii aku no ka wahine, a lawe mai ma ke poi, a ke kai hooholo ia mai kekahi ma kauwahi mai. E waiho kela kai ma kekahi poho paha, he ekaha paha, he kahe ka paha, a liu malaila, alaila lawe ana kauwahi e, a paakai iho la no ia, o ka papa laau ka mea kui poi. (Malo 2006)

Pa'akai (salt) is another beneficial item. It is used to make fish delicious and tasteless foods edible. Pa'akai is made at a particular place, [but] it [salt] is not actually made from this spot, rather it [salt

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water] came from the sea. A woman went to get some when the sea crashed [upon the rocks] and she ran back [the salt water] to this particular spot. That salt water (kai) is placed in, perhaps, a depression (poho) or a "Bird's nest" (ēkeha) or rock basin (kāheka) and allowed to evaporate (liu). Then it is taken to another spot and is formed into pa'akai. Wooden boards (papa lā'au) are used to pound poi (*mashed cooked kalo corms*) on.

In the testimony for a lot with a salt pond in Kukulūāe'ō, the awardee claimed two ālia (salt beds), 15 ho'oliu (drains), two poho kai (depressions where salt is gathered) and one salt kula (dryland or wasteland). Four separate types of salt features are mentioned: the ponds near the shore that fill with salt water at high tide (ālia), the drains (ho'oliu) where the salt water is transferred to smaller clay-lined or leaf-lined channels, the natural depressions (or modified depressions) in the rocks along the shore where salt formed naturally, and the salt kula, which was waste land, that is, land that could probably not be used for agriculture as it was so impregnated with salt (CSH 2010; CSH 2009).

Therapeutic healing, ceremonial practices, & spiritual invocation

Traditionally, the areas of Kou and presumably to these lands were noted for a number of ceremonial sites, including various kahuna practices through the mid-1930s. These kahuna were considered very powerful and their names were not used lightly. A person was not taken to a kahuna unless an illness did not go away after taking herbs and seeing a doctor. The kahuna would also curse fireballs that would be seen flying over the ocean from Moloka'i, Kaua'i, and Lāna'i to Kaka'ako. They came in low and were fiery balls with long tails, unlike a falling star. These would be sent by powerful kahuna and would disappear over an area. If the Kaka'ako kahuna did not curse a given fireball, then someone in a one mile radius would die (Ethnic Studies Oral History Project 1978).

Today, many of these practices are no longer well known in the area or the sites no longer exist. However other modern rituals for ceremonial and spiritual invocation practices still exist. These practices serve many distinct purposes: 1) allows time for commemoration and remembrance of significant events or seasonal cycles; 2) enables an individual to express and reflect on an intimate relationship between the physical and ethereal realms; 3) provides a means of a systematic and repetitive approach to honor the sources of life from the earth, sea, and sky that provide our physical and spiritual sustenance.

In total, conducting ceremonial practices affords the current generation to enable a reliance on ancestral mana and provides an understanding as to the source of spiritual power that comes from either the realm of akua; the natural forces of the lewa (sky), honua (earth), or moana (ocean), or from the intrinsic and inherited knowledge, talents, and traits transmitted through genetic code from our ancestral beginnings. According to Kanahale (1988), the means to increase our mana comes from the following:

- Attending to all spiritual rituals and obligations and contribute to the strength of that spiritual source;
- Attend to all extended family obligations and contribute to the strength and increase of the family;

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- Acknowledge the singularity/plurality manifestation of God/gods and honor through daily contact and interaction;
- Strive for excellence and our personal best in our individualistic endeavors;
- Protect the bones of kūpuna from desecration

Today, known ceremonial practices that occur within or near vicinity to the OHA KM parcels include meditation practices known as nalu or no'ono'o pono as well ocean-related purification rites known as hi'uwai or kai'au'au. In general, the ocean waters are considered to have curative powers and an ability to extract both physical and spiritual induced ailment and disease. There is some belief that the interface between specific freshwater outlets from the land create pockets of muliwai, or brackish water that lend to the curative healing capability. The ocean waters down near Kālia, known as Kawehewehe, for example, also by their brackish quality had produced certain edible seaweed varieties that were also thought to have healing properties.

Today, most ceremonial healing practices in the ocean are conducted often during pre-dawn or post-sunset hours with an introduction of protocols that culminate with a purposed focus and immersion into the nearshore waters for a period of time per occurrence and may require multiple periodic visits over time. Most of these practices are considered to be intimate in their invocation and once of the primary limitations is the ability to conduct these practices in private. Early morning activities include other users of the area (i.e. fishermen, swimmers, dawn patrol surfers, joggers, and houseless community) which can impede and sometimes distract or deter practitioners from utilizing the area.

Ho'oulu Lāhui Aloha

Hawaiian well-being is tied first and foremost to a strong sense of cultural identity that links people to their homeland (Kikiloi 2010). Native Hawaiians are genealogically connected to ka pae 'āina Hawai'i as both the ancestral homeland and the elder sibling in their traditional belief system. This relationship is integral to Hawaiian identity and is distinctive from that of other groups who live and work in the Hawaiian Islands. Significance of place to Native Hawaiian identity and cultural survival is an imperative issue across the archipelago. Understanding the physical, spiritual, genealogical, and sociopolitical/historical ties to land and sea that nourish Hawaiian well-being is the beginning of a discourse to examining how these OHA KM parcels can speak to the ideal of Hawaiian nationalism in form, expression, and development direction. Despite the strain on these ties and challenges to ancestral identity from population decimation and displacement, multicultural mixing, and migration, place is still the key connection linking Native Hawaiians to each other and to an indigenous heritage. Arguably, consumptive patterns continue to destroy the ecological and natural balance of Hawai'i and in doing so critical questions emerge about Hawai'i's future and the rightful place of Native Hawaiians in our homeland (Kana'iaupuni 2006).

It is difficult for many 21st-century Native Hawaiians to share the same degree of involvement and connection with ancestral lands as perhaps their kūpuna once did. Increasing urbanization, commodification, and value acculturation have forever changed the landscape. But recognition of the pivotal role that place plays in identity and learning processes has begun to transform the service and

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delivery of many educational and social programs for Native Hawaiians. The reforms integrate the rich history, stories, and knowledge about the land and sea, and at the same time reinforce the integral link between the 'āina and identity. Primarily fueled by the concern and passion of Hawaiian community members, parents, and advocates, these efforts are an organic solution to the chilling negative statistics that plague Native Hawaiian children: high rates of poverty, substance abuse, juvenile deviance and criminal activity, teenage pregnancies, poor educational outcomes, domestic abuse, depression, and suicide (Kana'iaupuni 2006).

Opportunities for exploration of these concerns could be explored through the convention of other indigenous groups facing similar struggles for political and cultural representation in the 21st Century. Pivotal issues regarding how to change existing social and political paradigms that empower and resuscitate a nationhood of well-being must begin at the individual level, then to the 'ohana, and then the kaiāulu at large. Answering the basic questions of what is Hawai'i's future regarding its own sustainability in the likes of energy production/consumption; food security; economic vitality; and cultural vibrancy and wherein lies Kanaka 'Ōiwi is perhaps something these lands can offer in terms of creating a Hawaiian space and place for discourse and intellectual capital to flourish and have influence locally and globally.

Recommendations

In putting forth recommendations for the Strategic Management Framework, six review criteria or characteristics were considered:

1. Are there unique natural or manmade features that contribute to cultural traditions?
2. Are there general elements that support existing or known cultural practices?
3. Are there historical or cultural traditions being practiced within these lands?
4. Would these lands be suitable for cultural stewardship practices to be developed?
5. How accessible are these lands to existing Hawaiian communities or to Hawaiian service organizations or cultural/art groups?
6. Do these lands contain a "heritage" or "ancestral" element to can be perpetuated?

In summary, there is a high potential of cultural relevancy and opportunity to integrate cultural planning in the development of these lands. The primary reason for the high potential is that although these lands are in-filled former reef lands, their proximity to the oceanfront; the known marine related activities and practices; their visual and triangulation associations to other significant points of ancestral alignment; their accessibility as one of the main publicly owned shoreline areas in Southern Oahu; and the opportunity served by OHA taking on the haku aina role makes this a viable cultural landscape in the urban corridor. Herein then are recommendations that will support the development of the Strategic Management Framework and other initiatives to be developed as planning for these lands proceeds.

- Focus on salt and freshwater restorative and regenerative process. Water was and is necessary for all life forms as part of the restorative and regenerative process. Further, the emergence of islands from the ocean and transmigrations of our ancestors across the Pacific serve as a reminder of our

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spiritual beginnings, consideration of enhancing the nearshore waters and developing an ocean-oriented relationship should be paramount. As the OHA KM parcels are nearshore and the relevance and importance to the ocean cycles have been described, there should be an opportunity to restore the orientation and relationship to the ocean. Specific ideas include:

- Develop an ongoing and active ocean- and 'āina stewardship program to ensure no debris, trash, pollutants, or any foreign matter that can endanger terrestrial or marine resources, water quality, or the ecosystem
- Consider the removal of historic trash fill and develop restoration plan for one nearshore parcel to acknowledge the presence of the papako'a
- Conduct a salt-pan restoration project to demonstrate the unique cultural practices of this area
- Restore the sensibility of the once predominant fishing village
- Develop a marine observational program to understand the full breath of species characterization, abundance, frequency, and lifecycle of marine mammals, invertebrates, limu, etc. to the nearshore area
- Develop a marine fisheries project that looks at the environmental and cultural restoration of coral and limu species once abundant in the nearshore area
- Recognize the declining number of aku fishermen with mastery of the traditional methods of fishing and knowledge of the aku sampan and conduct a living master's study or video project to capture their stories and/or provide opportunities for hands on demonstrations, workshops, and training
- Develop a pilot project that looks to create a new modern day kū'ula with intended purpose to create fish stock for wild release and island-wide fishpond hatcheries or pond restoration
- Consider partnership that explores a Hawaiian scientific research project to investigate key cultural concepts as to the healing and curative powers of the ocean (such as JABSOM)
- Include all planned infrastructure improvements to be developed with minimal impact and/or seek to improve existing conditions to nearshore waters, i.e. design of bio-swailes and rain garden to treat any future stormwater or filter contaminants. For infiltration areas, incorporate the use of native plant species (perhaps makaloa) that was a traditional material for weaving. Wherein feasible, design the collection of rainwater from roofs to celebrate its qualities in sound and movement. Allow stormwater runoff to flow into vegetated bioretention areas through permeable pavement for a more natural low-impact design in areas where topography and site conditions are favorable.
- Employ pollution abatement systems to watershed stormwater sources to prevent nutrient loading and contaminant discharges along the project shoreline.
- Understand the opportunities and limitation of on-site gardening and landscaping knowing the soil strata conditions include potential hazardous, toxic, and noxious materials that require remediation.
- Grade the shoreline walk and promenade area to collect any runoff in areas to sustain planted pockets of landscaping.

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- Acknowledge the prevalent and life-feeding attractive forces between the upper slopes of the Ko'olau and the regions of the waomaukele which draws atmospheric water and the natural cycle of water flow that we benefit from. Consider the integration of a water flowing concept, illustrative of the life-giving waters that emanate from the upper mountain peaks that eventually feed into nearshore fisheries. Interactive water features aligned with recreational experiences, like discovery kīpuka, for residents and visitors could be created for reflection and relaxation. One example would be the Robert Irwin's Central Garden experience at the Getty Center.
- Further the potential of applying Hawaiian astronomical concepts to site development and orientation. Utilize available technology and science to develop a series of alignment and orientation maps based upon an idea for piko-based knowledge center or gathering forum. Conceptually, align known astronomical and directional relationships to develop the equivalent of a Hawaiian engineered compass-calendar plan that accounts for solar-lunar-stellar associations.
- Consider as part of master plan/development concepts a visual corridor or built triangulation alignment to key and significant summit points including but not limited to significant points on O'ahu but also could be directional ahu, or markers to tie in the entire archipelago.
- Honor and respect the ancestral presence and spirituality of the area. Provide space and access for cultural practitioners to be able to conduct ocean-related purification or meditative ceremonies with some opportunity for privacy and intimacy but also transformative to be celebratory and inclusive.
- Language and art are our lifeways. The use of Hawaiian language should be highly visible and prevalent for all public signage and interpretative exhibits or wayfinding. Wherein applicable, hiring of 'Ōiwi artisans during architectural design review and commissioning of 'Ōiwi and local artists for all art in designated public places. Art is an identifiable connection for 'Ōiwi to place. Consider the various mediums of art and seek a balance between traditional and contemporary modes of expression: paintings, wood carving, stone work, weaving, metal, concrete, and more.
- Restore a cultural kīpuka with a presence of kinolau (physical manifestation of ancestral expressions in plant forms). Conduct a biological assessment through an extensive research project of oratorical traditions that may convey what plant species were once predominant in the area or a suitable coastal environment. Create a pilot project that looks to create a reflective and contemplative space of an "urban coastal forest" in select open spaces. Seek creative solutions to develop a capacity of having on-site stock of plant species available for gathering by cultural practitioners and develop on-site stewardship relationship for long-term care and maintenance of the area.
- Consider the planning and construction of a series of gateway and arrival monuments themed to concepts of Ho'oulu Lāhui Aloha and perhaps centered on a cultural and performing art complex.

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Design and built examples include the Alaska Native Heritage Center in Anchorage, Alaska; the Jean-Marie Tjibaou Cultural Center in the Tinu Peninsula in New Caledonia; City of Culture of Galacia in Santiago de Compostela, Spain.

- Recognizing that these parcels represent the interests of Hawaiians across the pae 'āina, consider for all built features into the landscape, there should be opportunities to maintain visual access, wayfinding, and corridor relationships within the parcel to the ocean and mountains. Additionally, there could be new ahu markers such as pōhaku or integration of native landscaping that align and are oriented in the landscape to significant wahi kūpuna on all major islands, the Northwest Hawaiian Islands, and to Lō'īhi/Kama'ehu seamount.
- Wherein appropriate, preserving and restoring resource capacities for future generations is fundamental to Hawaiian belief. All projects within OHA KM parcels should consider the use of acceptable alternative energies including solar panels, solar glass, passive solar, etc. Other plausible alternative energies such as vertical wind turbines and/or untested ideas such as wave buoys should be further examined and integrated as appropriate.
- For all proposed buildings, consider the use of natural light; orientation, depth, and height of spaces, and wherein practical, select natural materials. Consider orientation and alignment to significant celestial and atmospheric patterns and prevalent wind and solar movement.
- Establish and set-up organizational structure of an advisory 'aha of recognized kumu, kūpuna, and loea that develop a list of required criteria to be included in all design reviews and to help initiate what a hālau ola, university, and/or global welcoming center within a Hawaiian context would be. The advisory 'aha could be authorized to make recommendations to OHA as to any development plans within the OHA KM parcels; help establish appropriate programming and events; assist in seeking potential partnerships from Hawaiian service and community organizations; create leverage and collaboration for funding for cultural programs; and if appropriate, advise and recommend necessary protocols during development and construction.
- Consider to study the opportunities to engage the wa'a community as a whole and consider potential of developing a portion of the OHA KM parcels as a hosting site for annual Moloka'i Hoe, Nā Wahine o ke Kai; and other canoe association races; and to be a home site for long distance voyaging canoes.
- Work with Hawaiian or community service organizations that have an existing presence in the area who help to perpetuate the legacy and heritage of place. Protect the Native Hawaiian garden and cultural activities of Hālau Kū Mana.
- Conduct a Complete Streets study as means to guide and direct a more comprehensive and balanced approach to planning of transportation alternatives with specificity to the pedestrian

Cultural Landscape & Ancestral Connectivity Analysis

experience in the OHA KM parcels. Complete Streets is a set of design principles that promotes safe access for pedestrians, bicyclists, motorist, and public transportation users of all ages and abilities. Encourage opportunities for physical activity within the parcels and develop programs that promote the health benefits of an active lifestyle and a maui ola approach to urban living for kūpuna, makua, and keiki of all abilities.

- Conduct and complete the archaeological inventory survey for the OHA KM parcels. Develop a community group of known and recognized cultural descendants to other projects in the area to have early dialogue regarding the highly unlikely but yet still potential scenario of iwi kūpuna encounters when development is ever to begin.

- Engage in a community- and descendant-engaged consultation process during the historic preservation review process as it relates to developing an archaeological inventory survey plan prior to commencing any redevelopment activities that takes into account the concern for potential unmarked Native Hawaiian burials within project lands.

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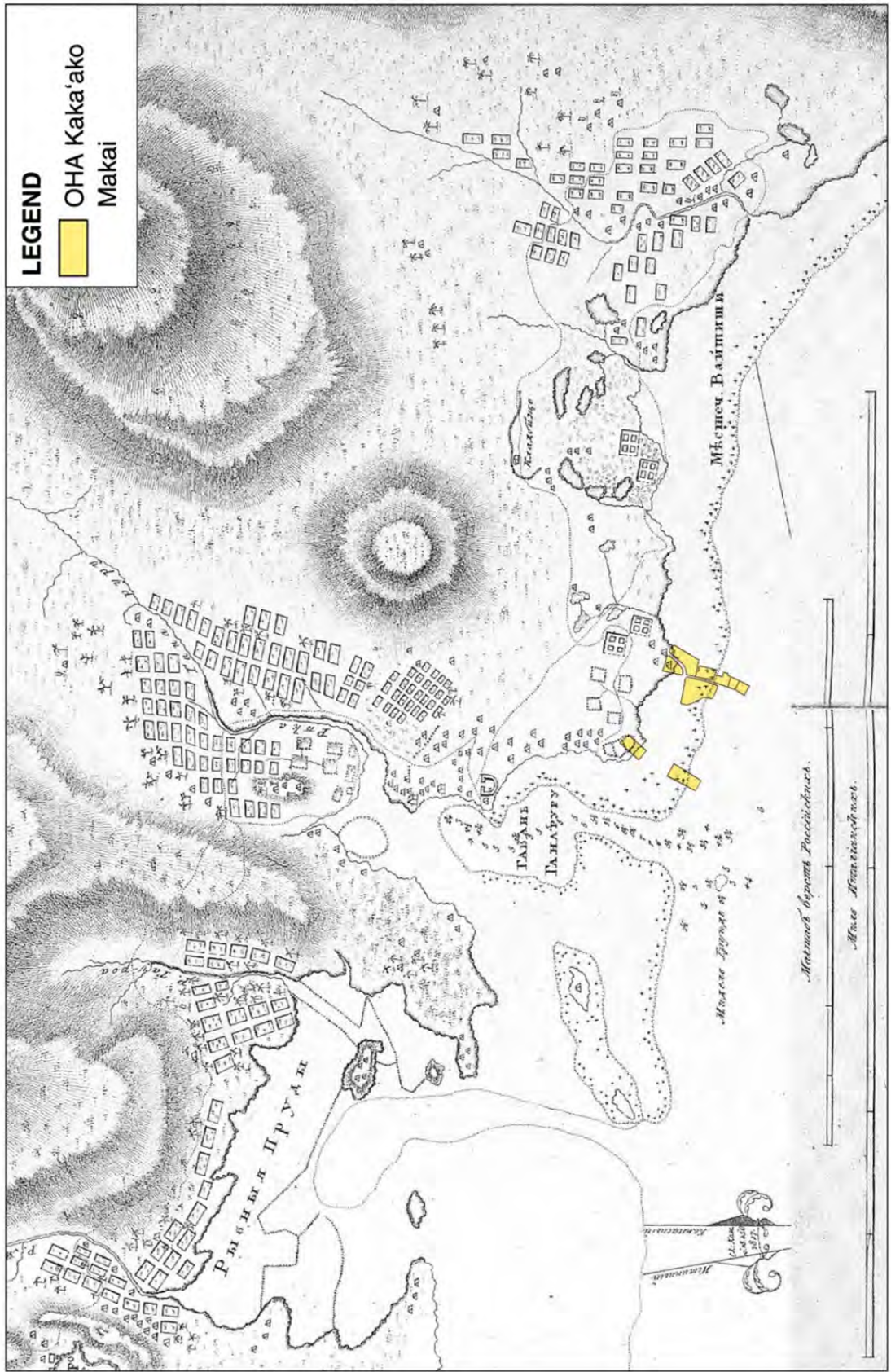
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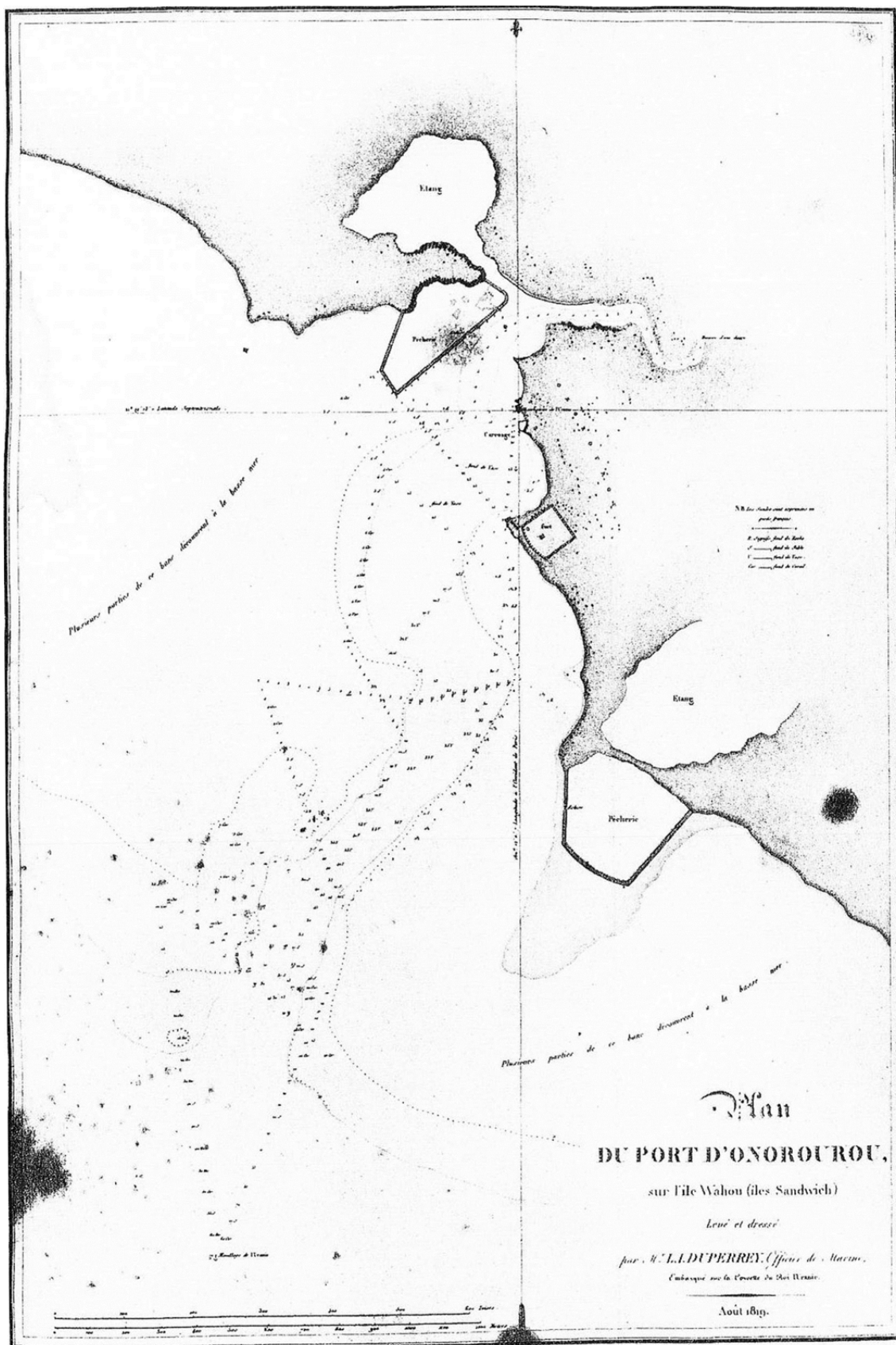
1985 *Burial Excavations at the Honolulu Ironworks Construction Site, Honolulu, O'ahu*. Department of Land and Natural Resources, Division of State Parks, Honolulu, Hawai'i.

APPENDIX A

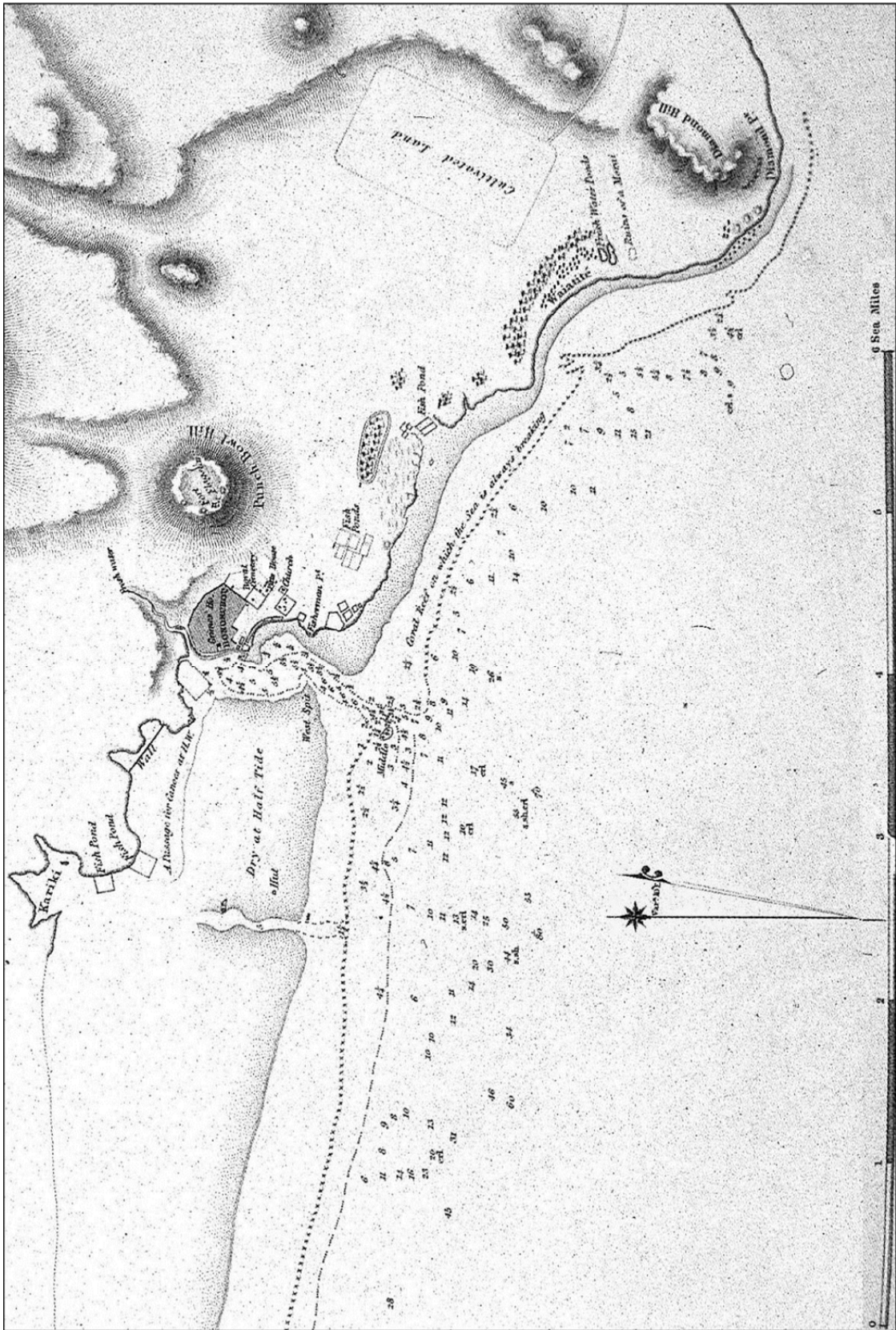
HISTORICAL MAPS FOR OHA KAKA'AKO MAKAI PARCELS



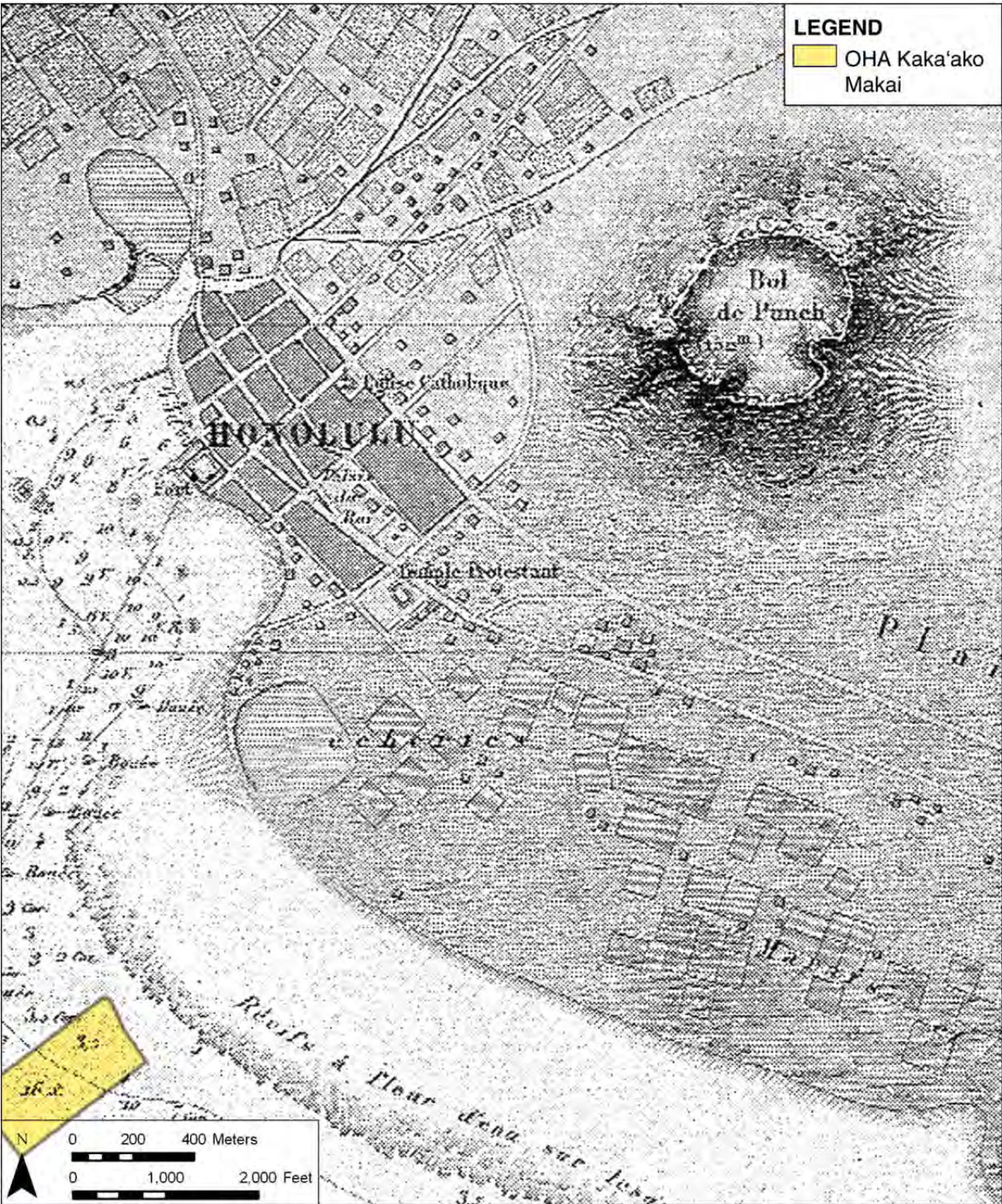
1817 Otto von Kotzbue, commander of the Russian ship *Rurick* (reprint in Fitzpatrick 1986)



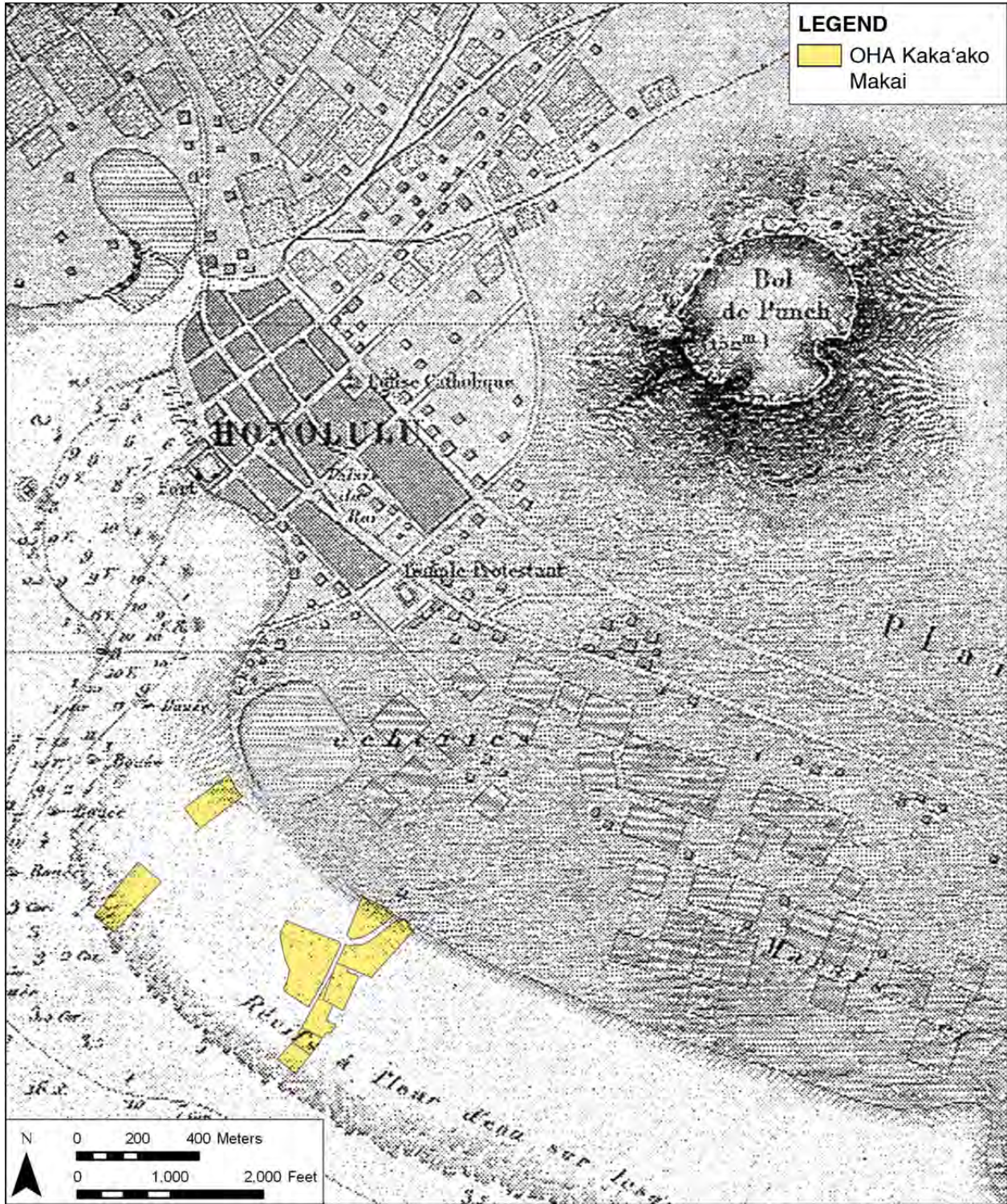
1819 Louis Isidore Duperrey



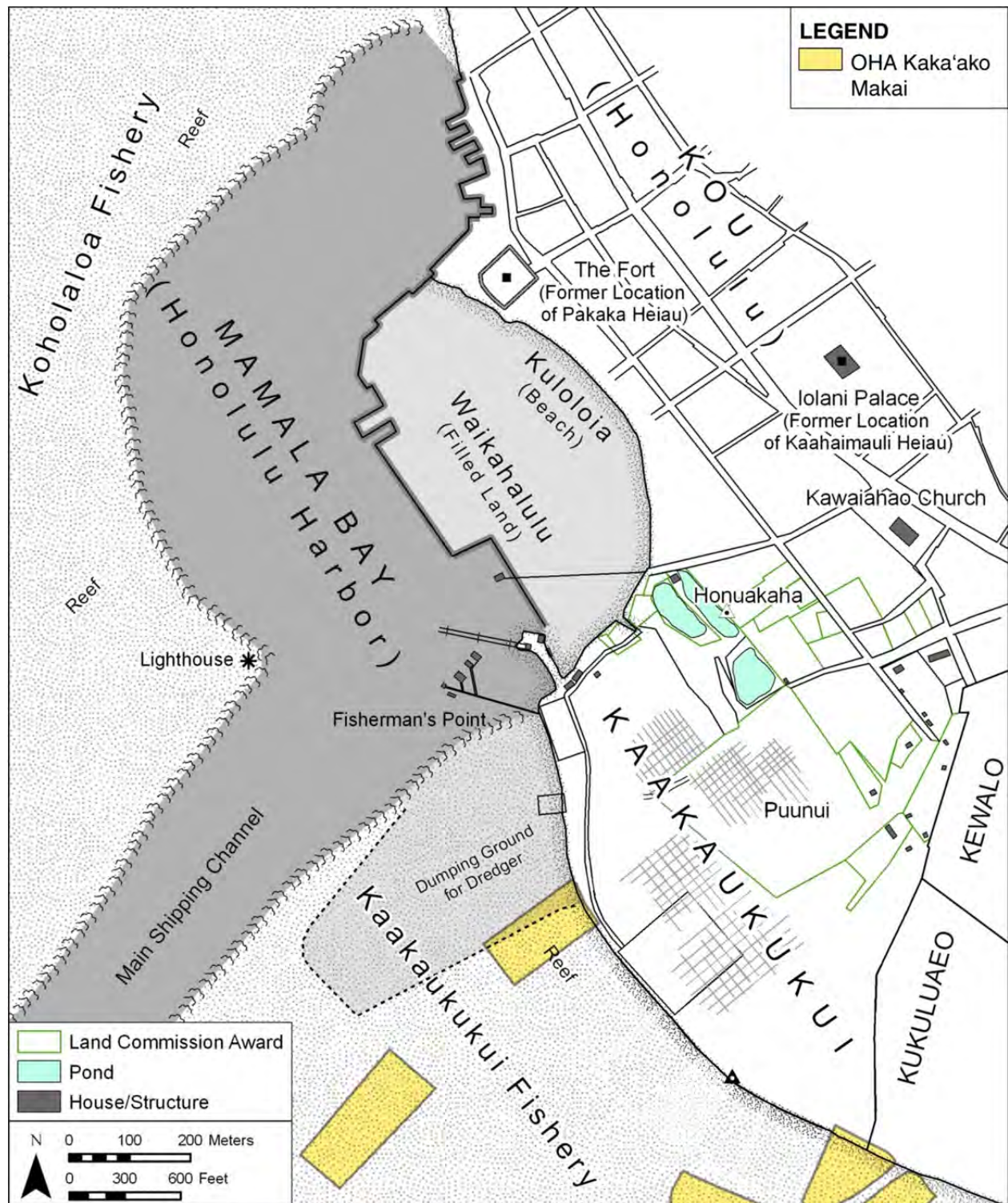
1825 Charles R. Malden



1855 Lieutenant Joseph Marie Henri de LaPasse of the French Vessel, *L'Eurydice* (reprint in Fitzpatrick 1986)



1855 Lieutenant Joseph Marie Henri de LaPasse of the French Vessel, *L'Eurydice* (reprint in Fitzpatrick 1986)

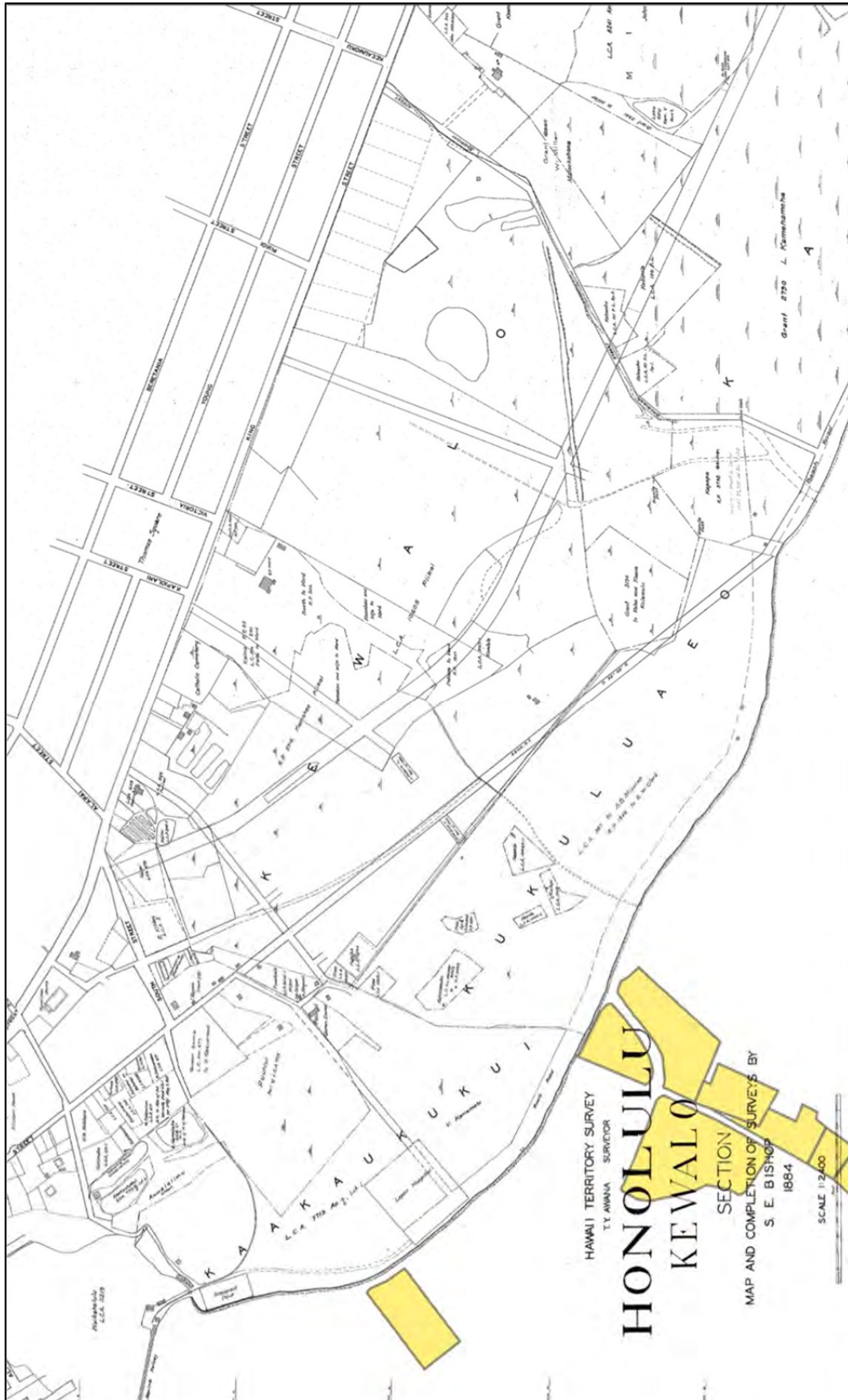


1876 Lyons Bishop Map (reconstructed by Cultural Surveys Hawaii)

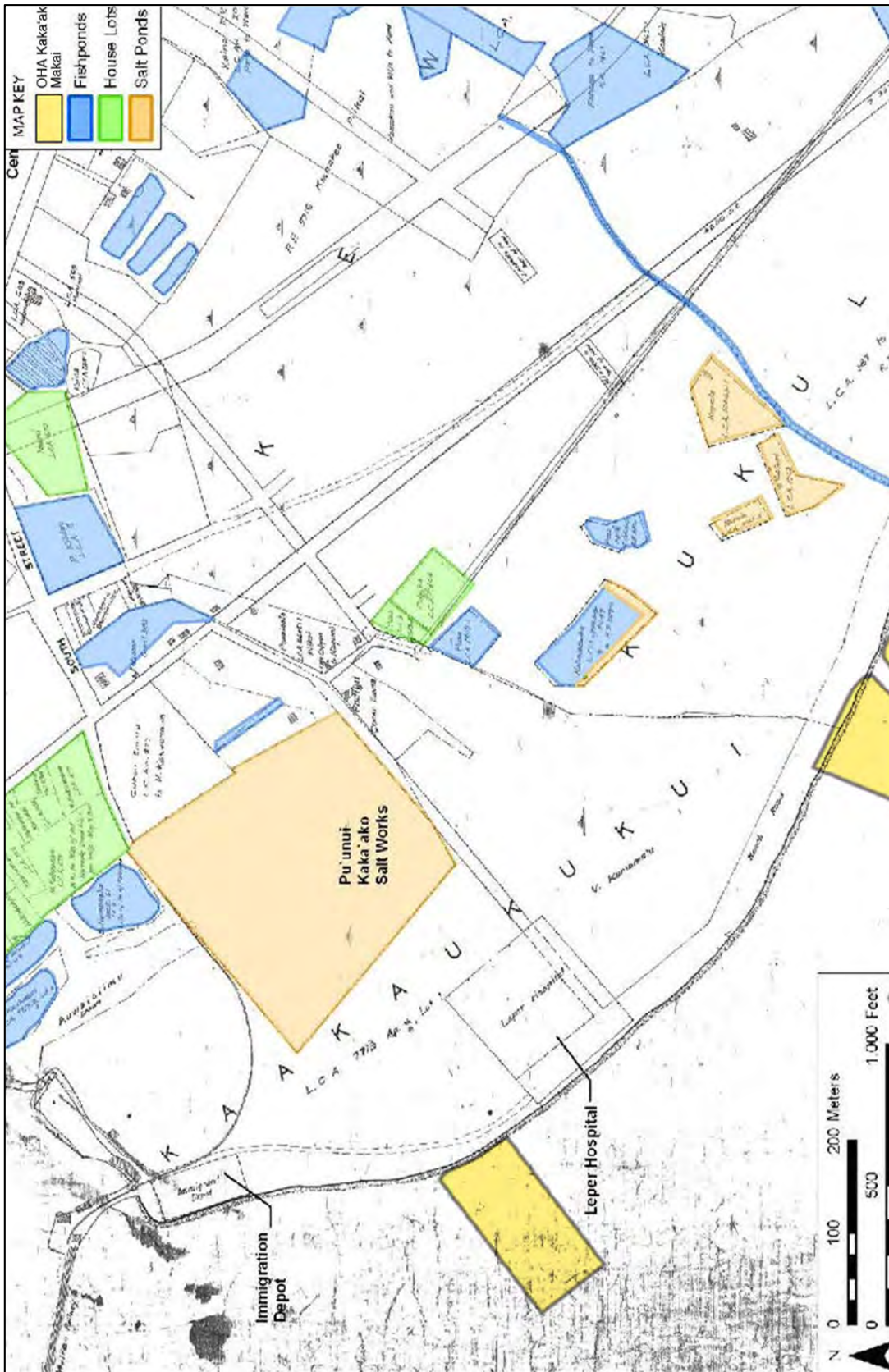


1881 Covington HLSD RMN 1381

28 October 2013

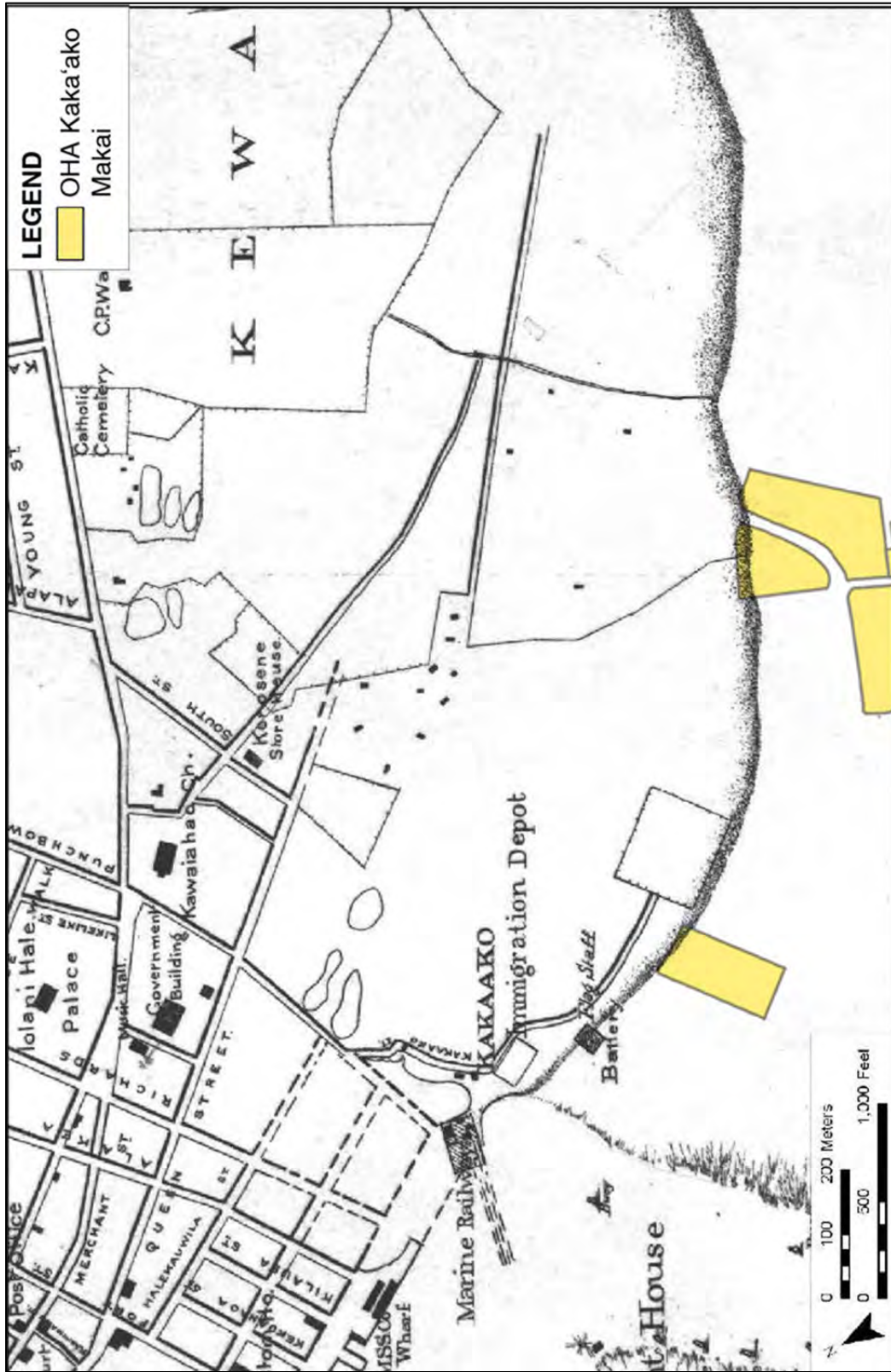


1884 S.E. Bishop, Hawaii Territorial Survey



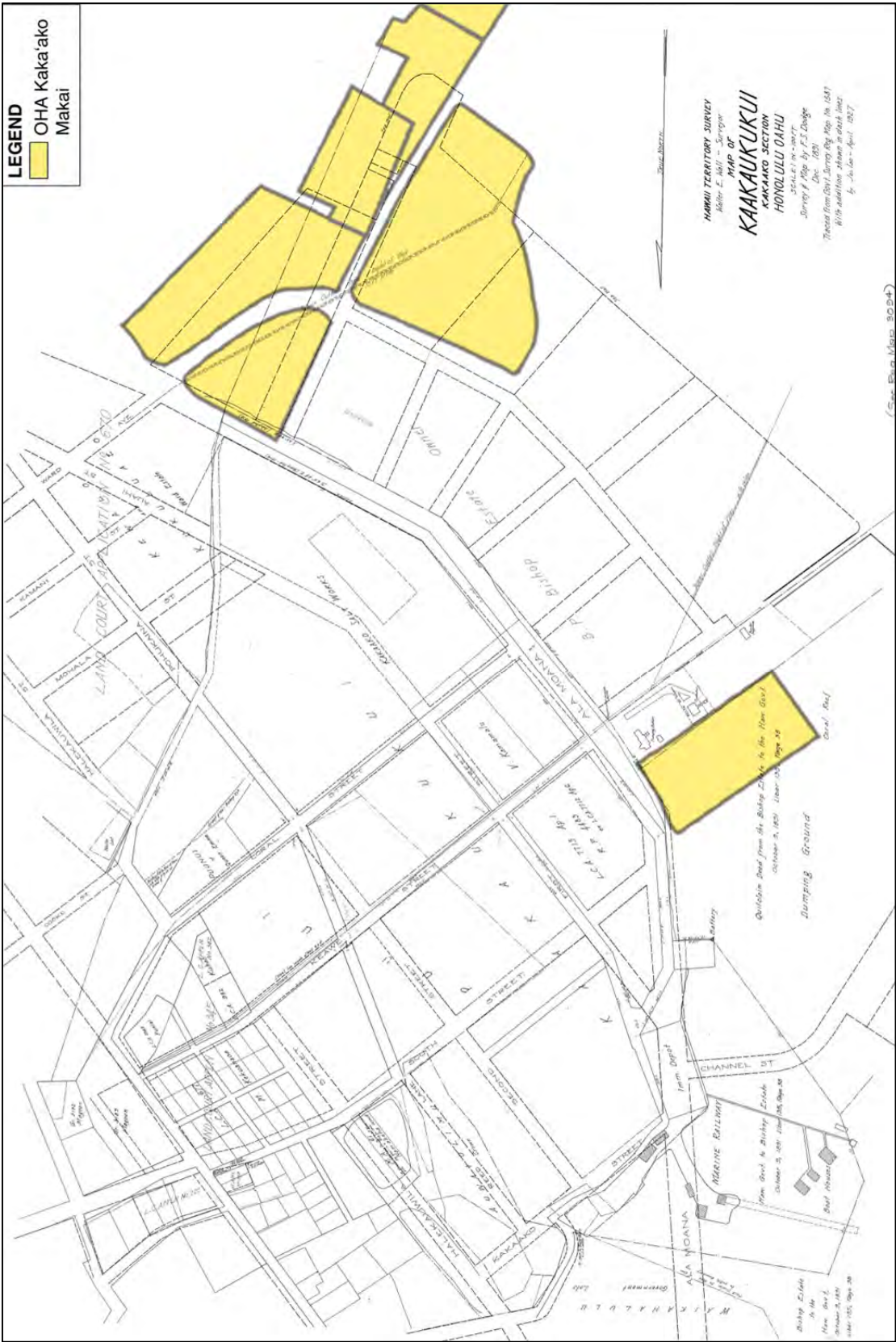
1884 HLSD RMN 1381

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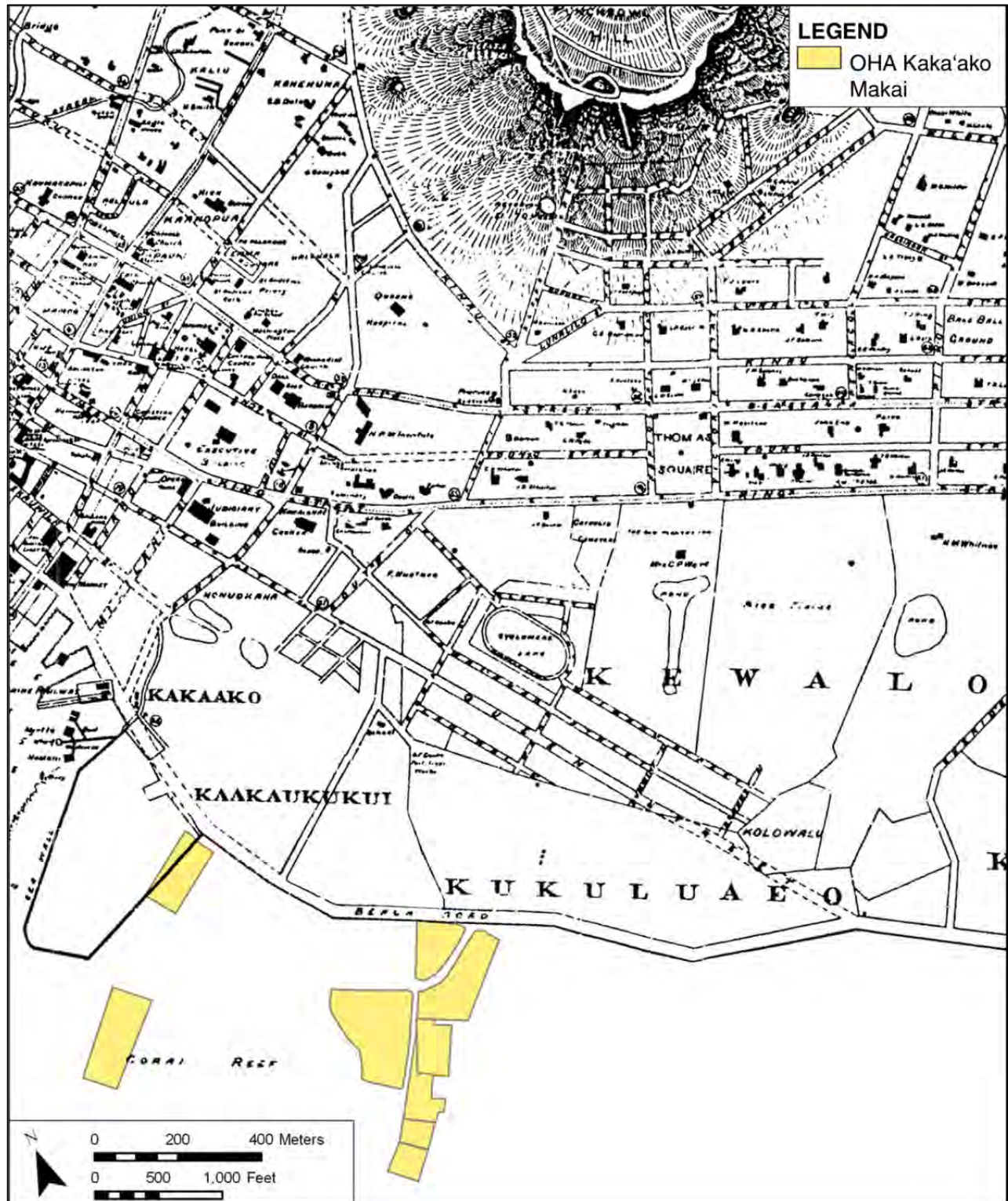
1887 W.A. Wall

28 October 2013



1891 F.S. Dodge

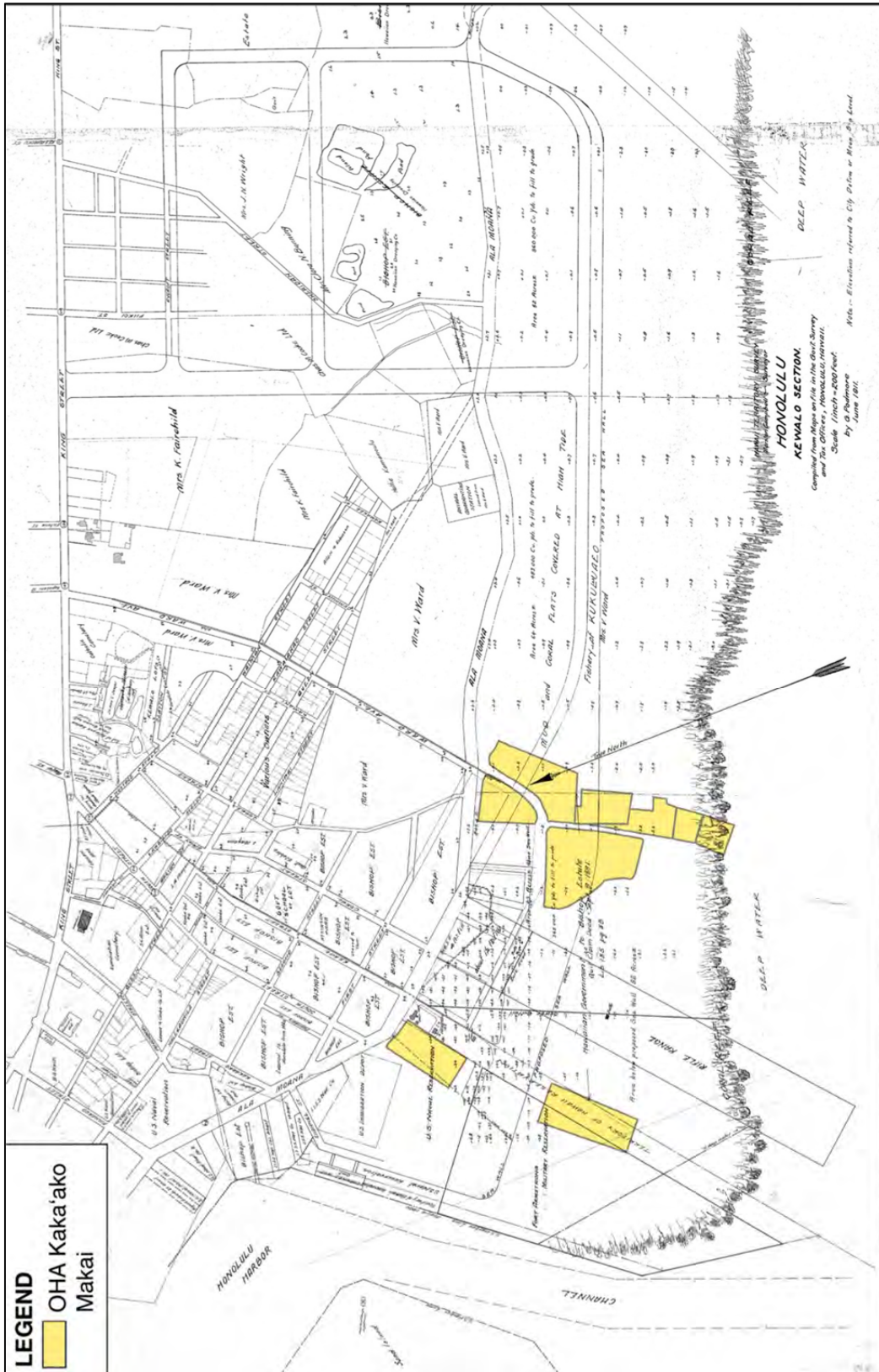
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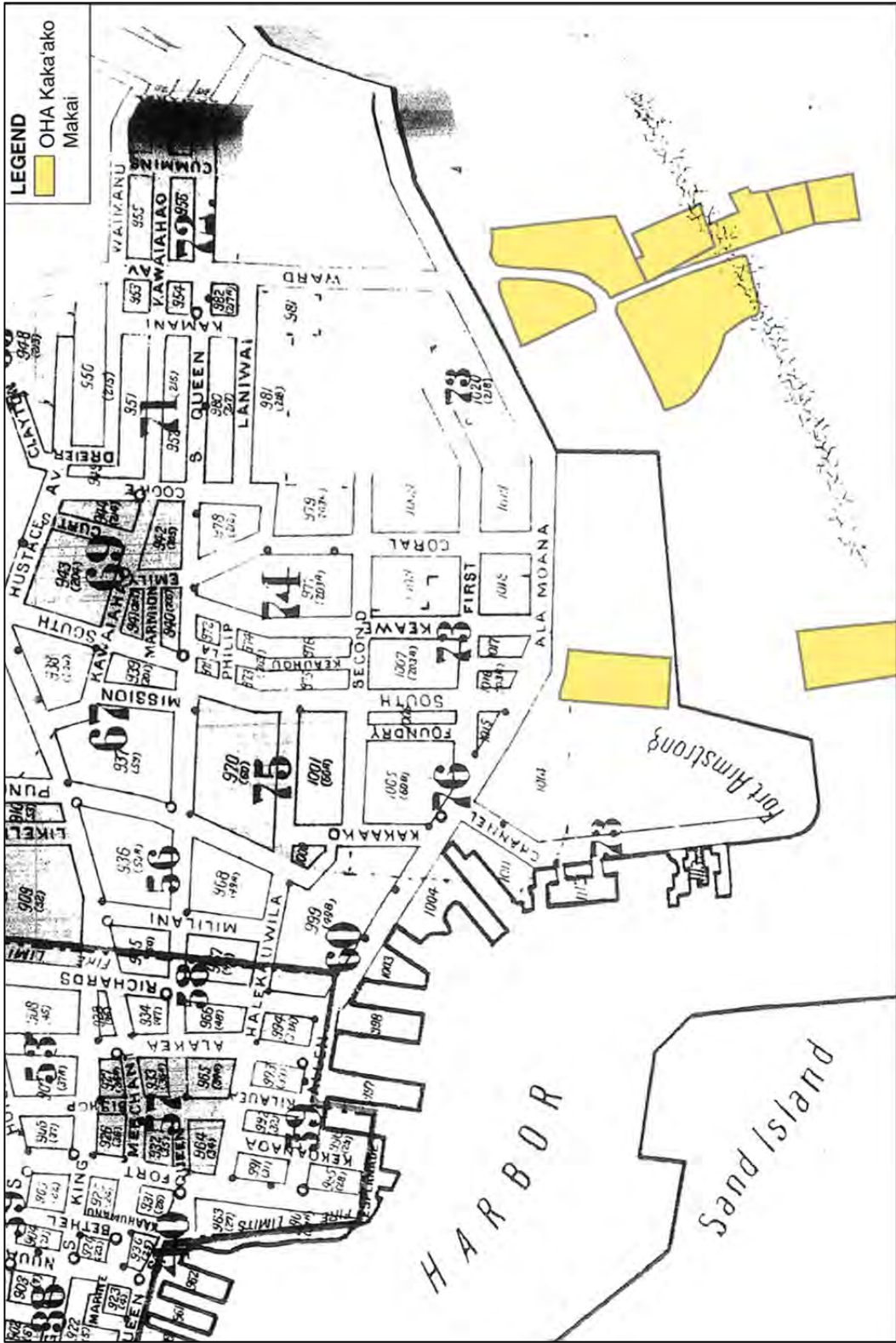
1897 MD Monsarrat HLSD RMN 1910



1900 Special Sanitary Committee Map



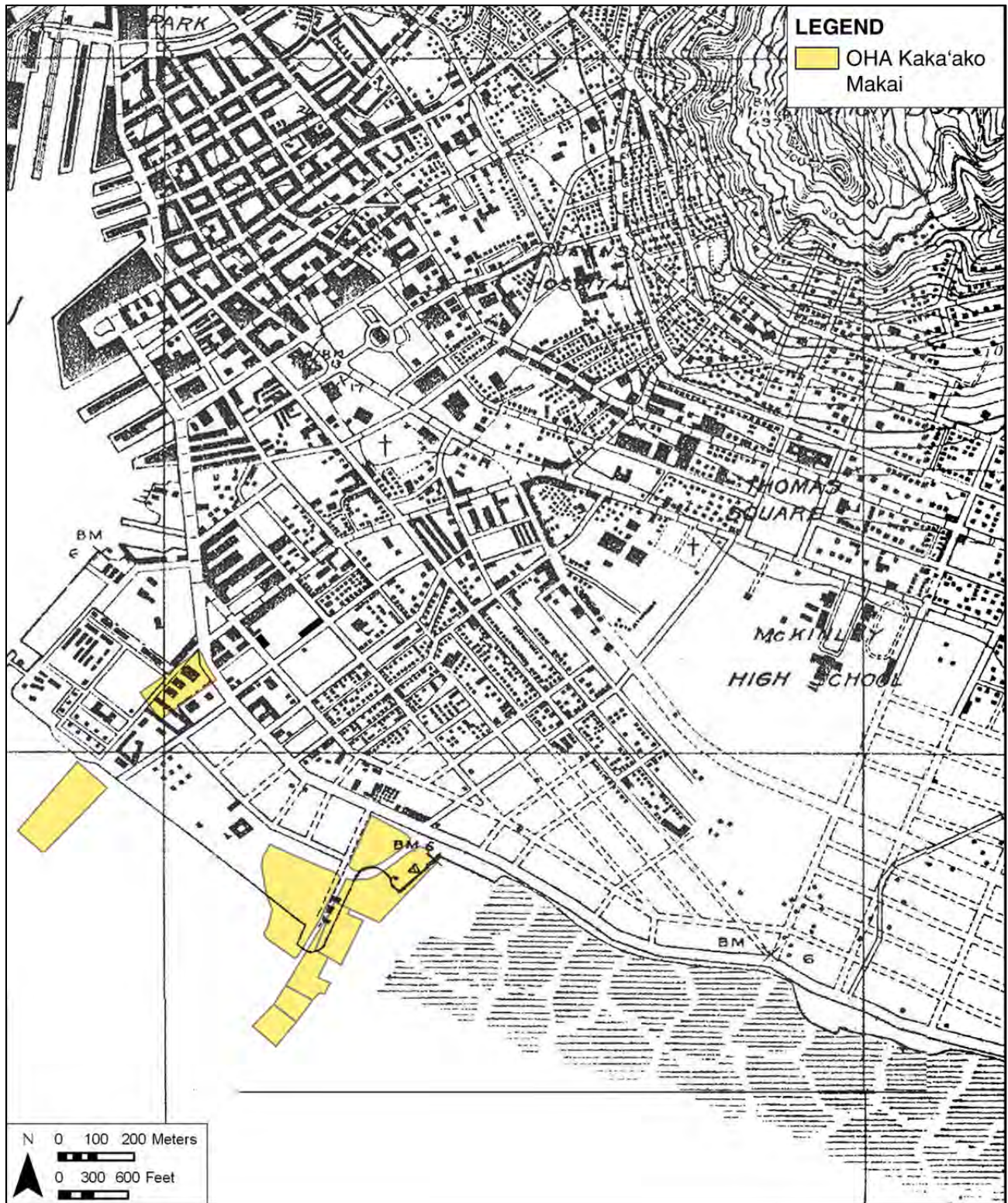
1911 G. Podmore



1914 Sanborn Map Company



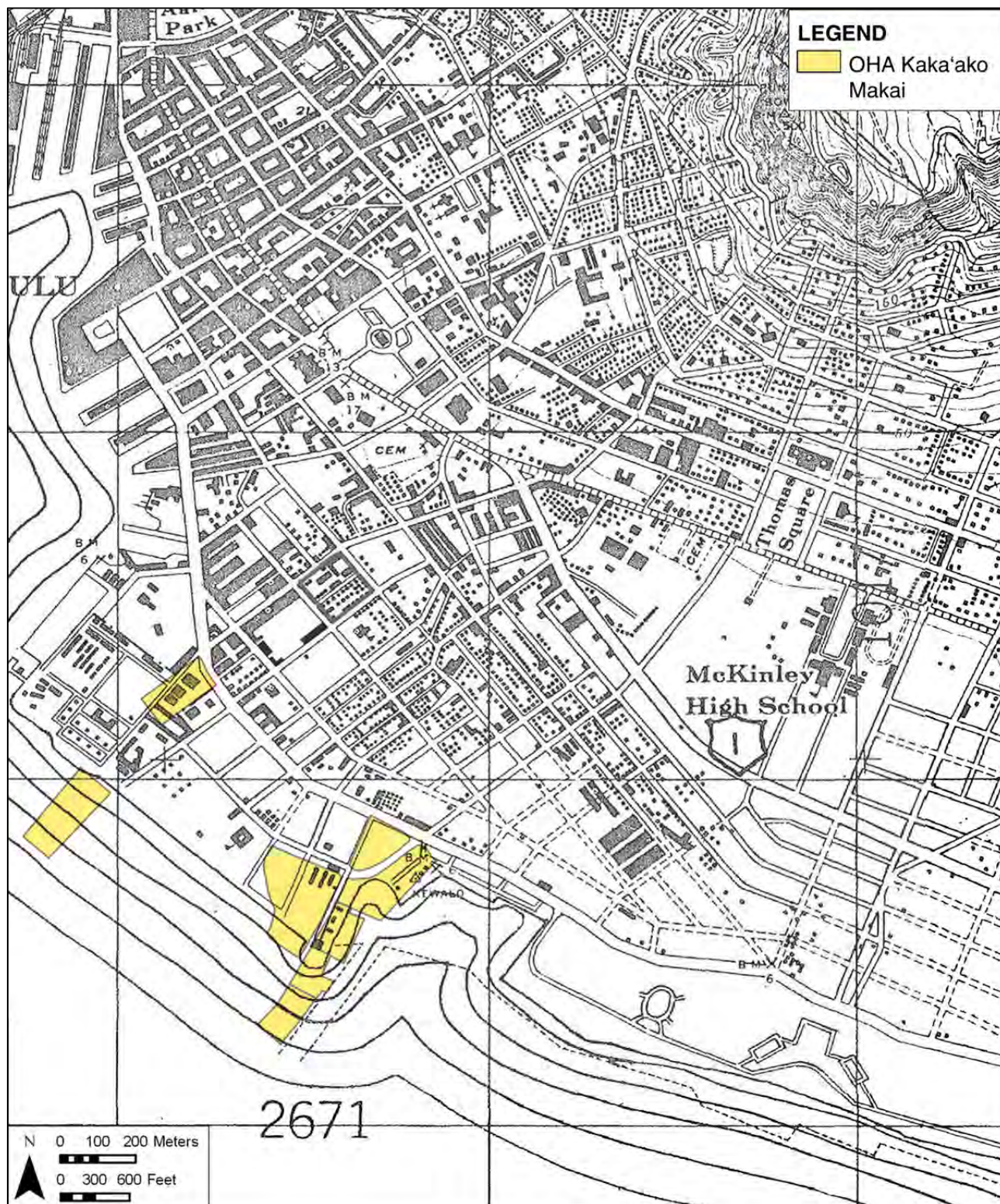
1919 US War Department Honolulu Quad Map



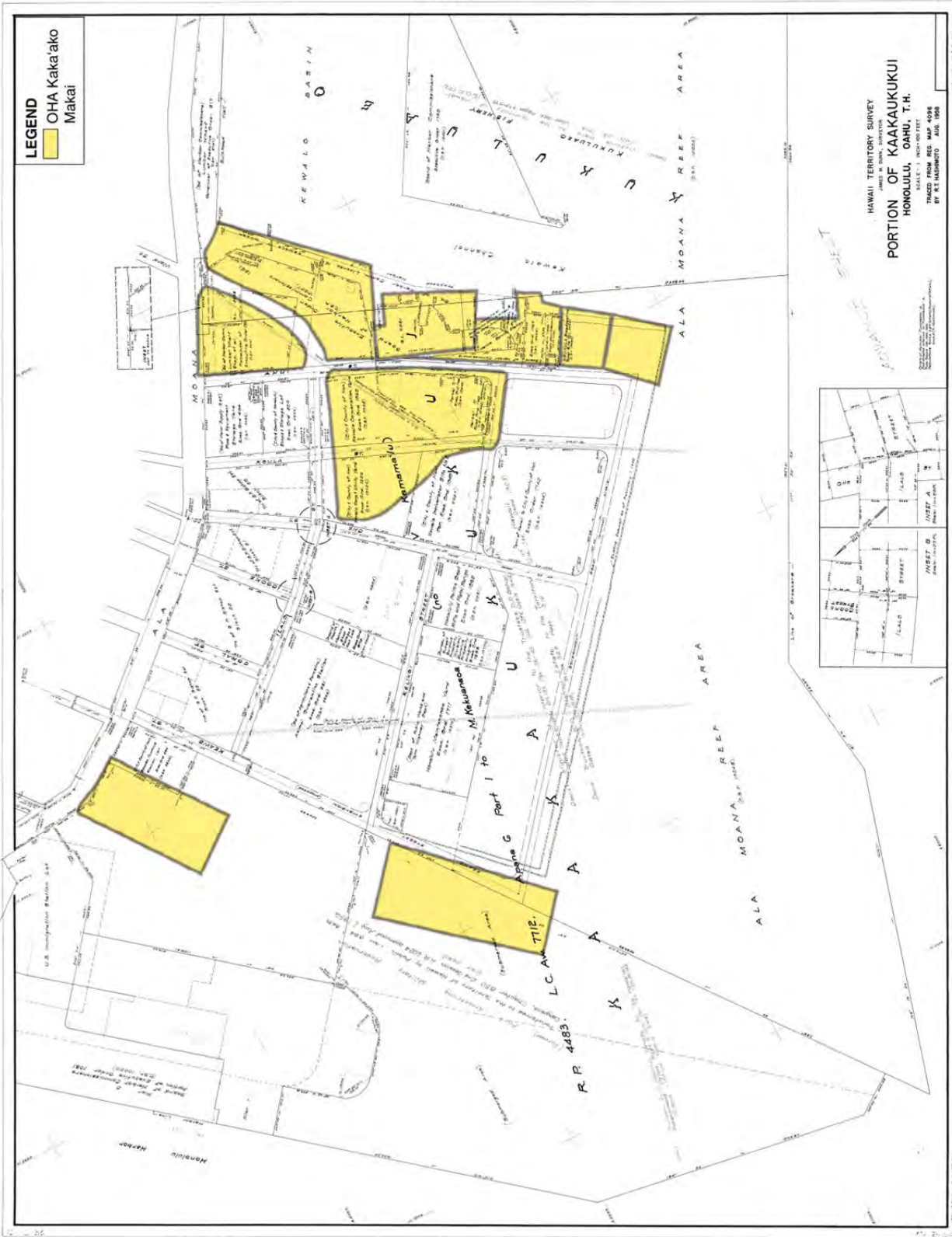
1927 USGS Honolulu Quad Map



1939-1941 US Army Air Service Map



1943 US War Department Honolulu Quad Map



1958 R.T. Hashimoto

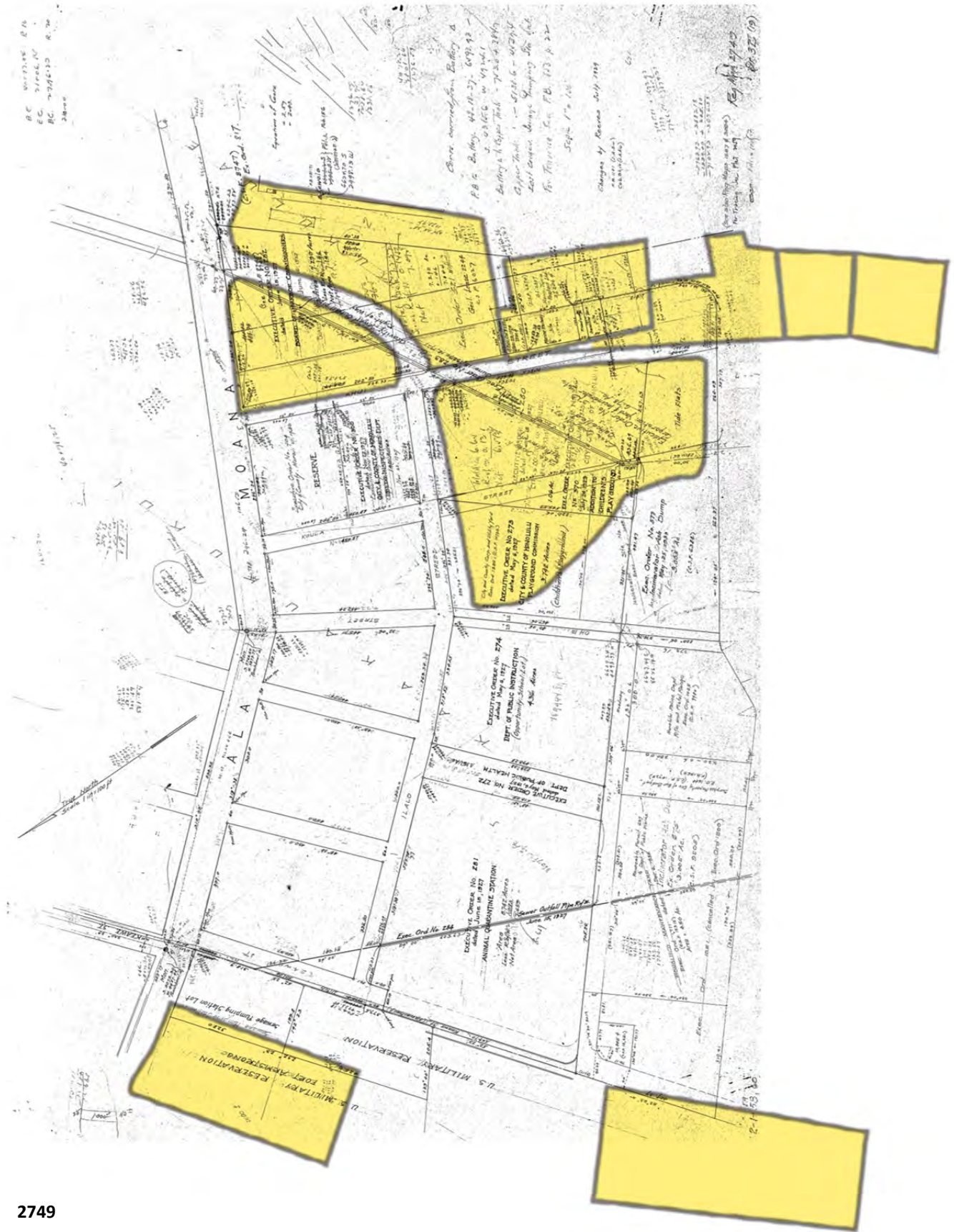
28 October 2013



1978 US Geological Survey Map



1978 USGS Orthophoto Map



2749

OHA KAKA'AKO MAKAI CULTURAL GUIDELINES AND POLICY (2012)

Kuana`ike Hawai`i: Universal/cosmic standard general worldview

- Essence, values, dualism, mana (animate and inanimate; psychic and physical), mankind and nature, etc.

O ka wā mamua: `Ike ku`una hawai`i

- Standard historical and cultural inclusion criterion for OHA
- Provides foundation building for master planning and scopes of work via Hawaiian principles

O ka wā mahope: Integrated profile

- Highlight and recommend a framework for land-related development and management
- Broad and general inclusion criterion units
- Provides a link between traditional and contemporary knowledge foundations

O kēia au: Finding the balance between culture & commerce

- Distinct project development goals
- Discrete criterion unit inclusion
- Provides functional and utilization goals for planning and management processes

Consummate foundation to our Hawaiian philosophy and worldview of land and natural resources for OHAs`āina acquisition and management projects

OHA-WIDE			`ĀINA-WIDE		PROJECT-SPECIFIC	
-O KA WĀ MAMUA- The historical and cultural principles			-O KA WĀ MAHOPE- The contemporary profile of current recommendation statements		-O KĒIA AU- Recommended indicators for a functional and active Kaka`ako Makai*	
Principle	Our Characterization	Phrase Statement	Past	Future	*These are meant to serve as examples of how we integrate layers of meaning to the functional and active use of our space.	
MO`OMEHEU	Cultural history, traditions, practices, and language	Our history is imprinted in the land and in us.	We celebrate the history imprinted in the land and in us.		Leaving a corridor for Kūkalahale wind and rain	Dualism with building structures, ex: tall buildings and flat space distribution
KŪLIA	Innovation and excellence	Our excellence today establishes a higher standard for the next generations.	We excel and innovate to meet our current challenges and continue to elevate the lahui.		Go Green: space, technology, materials, environment	Multi-use/Multi-purpose spaces that can create revenue but still give-back to the community for use: gathering, meetings, parties, rally, performance, learn
AO	Living World	Our stewardship and connection to the environment are integral to who we are as a people.	We ensure vibrancy and abundance i ke ao nei (in the living world).		Fishing restoration activities	Walking paths
PILINA	Relationships, interactions and connectivity	Our connections to the principles and one another lives on.	We are connected to and affected by our relationships to our past, our living world, and our communities.		Cultural enhancement opportunities for tenants: Distinguish your business with the community	Shared use of cultural spaces
					Brings the business to a humanistic side	Lele and kuahu: acknowledging aspects of our living and spiritual world

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KAKA'AKO MAKAI

ADDITIONAL STUDIES

5. HAR, Title 15, Chapter 23, the Kaka'ako Community Development District Rules for the Makai Area



KUHIKUIHI PU'UONE
COLLABORATIVE

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DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND
TOURISM

Amendments and Compilation of Chapter 15-23
Hawaii Administrative Rules

September 7, 2005

SUMMARY

1. §15-23-5 is amended.
2. §15-23-7 is amended.
3. §15-23-8 is amended.
4. §15-23-15 is amended.
5. §15-23-22 is amended.
6. §§15-23-30 to 15-23-34 are amended.
7. §15-23-40 is amended.
8. §15-23-62 to 15-23-64 are amended.
9. §15-23-67 to 15-23-69 are amended.
10. §15-23-73 is amended.
11. §15-23-75 is amended.
12. §15-23-77 is amended.
13. §§15-23-87 to 15-23-89 are amended.
14. Chapter 23 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND
TOURISM

SUBTITLE 4

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

CHAPTER 23

THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT RULES

FOR THE MAKAI AREA

Subchapter 1 General Provisions

§15-23-1	General purposes
§15-23-2	Development guidance policies
§15-23-3	Title
§15-23-4	Plan and design guidelines incorporated by reference
§15-23-5	Definitions
§15-23-6	Rules for construction of language
§15-23-7	Establishment of the Kakaako community development district
§15-23-8	Establishment and scope of controls
§15-23-9	Repealed
§15-23-10	Project eligibility review
§15-23-11	Development permits
§15-23-12	Administration
§15-23-13	Appeals
§15-23-14	Variances
§15-23-15	Nonconformities
§15-23-16	Application fees
§15-23-17	Violations
§15-23-18	Amendments
§15-23-19	Severability
§15-23-20	Interpretation by the executive director

§15-23-21 Zoning adjustments and waivers
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SUBCHAPTER 1

GENERAL PROVISIONS

§15-23-1 General purposes. (a) The legislature of the State of Hawaii, by chapter 206E, HRS, established the Kakaako community development district (hereinafter "Kakaako district"). In so doing, the legislature determined that there was a need for replanning, renewal, or redevelopment of that area. The legislature found the following with respect to the Kakaako district:

- (1) The Kakaako district is centrally located in Honolulu proper, in close proximity to the central business district, the government center, commercial and market facilities, major existing and contemplated transportation routes and recreational and service areas;
- (2) The Kakaako district, because of its present function as a service and light industrial area, is relatively underdeveloped and has, especially in view of its proximity to the

urban core where the pressure for all land uses is strong, the potential for increased growth and development that can alleviate community needs such as low- or moderate-income housing, parks and open space, and commercial and industrial facilities;

- (3) The Kakaako district, if not redeveloped or renewed, has the potential to become a blighted and deteriorated area. Because of its present economic importance to the State in terms of industry and subsequent employment, there is a need to preserve and enhance its value and potential; and
- (4) Kakaako has a potential, if properly developed and improved, to become a planned new community in consonance with surrounding urban areas.

(b) The legislature declared further that there exists within the State vast, unmet community development needs, such as:

- (1) Suitable housing for persons of low or moderate income;
- (2) Sufficient commercial and industrial facilities for rent;
- (3) Residential areas which have facilities necessary for basic livability, such as parks and open space; and
- (4) Areas which are planned for mixed uses.

The legislature declared that existing laws and private and public mechanisms have either proven incapable or inadequate to meet these needs. The legislature called upon the Hawaii community development authority to provide a new, innovative form of development and regulation to meet these needs.

(c) The legislature authorized and empowered the Hawaii community development authority to develop a community development plan for the district. It noted that the plan should include a mixed-use district whereby industrial, commercial, residential, and public uses may coexist compatibly in a vertical as well as horizontal mixture within a single development

lot. The legislature further directed that in planning for such mixed uses, the authority shall also respect and support the present function of Kakaako as a major economic center, providing significant employment in such areas as light industrial, wholesaling, service, and commercial activities.

(d) The legislature further authorized and empowered the authority to establish and adopt community development rules under chapter 91, HRS, on health, safety, building, planning, zoning, and land use which shall supersede all other inconsistent ordinances and rules relating to the use, zoning, planning, and development of land and construction thereon.

(e) In accordance with the declarations of the legislature, the authority has developed community development plans for the Kakaako district. As an integral part of implementing these plans, and in compliance with the mandate of the legislature, the authority has developed these innovative community development rules for the Kakaako district.

(f) It is the intent of the authority that these rules shall be established and adopted to implement the purposes and intent of the legislature as set forth in chapter 206E, HRS. It is the further intent of the authority that these rules shall implement the policies and programs relating to the Kakaako district as set forth in the provisions of the community development plan.

(g) So that Kakaako can be developed as an attractive and desirable urban community, the authority shall interpret these rules to encourage flexibility of design. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-1, 206E-4, 206E-5, 206E-7)

§15-23-2 Development guidance policies. The development guidance policies governing the authority's actions in the Kakaako district have been set forth by the legislature in section 206E-33, HRS.

[Eff 2/24/90; am and comp 10/10/98; comp 2/2/02;
comp 12/9/02; comp NOV 03 2005] (Auth: HRS
§206E-33) (Imp: HRS §206E-33)

§15-23-3 Title. These rules shall be known and may be cited as the Kakaako community development district rules for the makai area. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-5, 206E-7) (Imp: HRS §§206E-5, 206E-7)

§15-23-4 Plan and design guidelines incorporated by reference. The makai area plan and makai area design guidelines, are hereby incorporated by reference and made a part of this chapter. [Eff 2/24/90; comp 10/10/98; am and comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §206E-5) (Imp: HRS §206E-5)

§15-23-5 Definitions. Except as otherwise stated in this chapter, all of the definitions contained in the land use ordinance of the city and county of Honolulu are by reference incorporated herein and made a part hereof. As used in this chapter, the following words and terms shall have the following meanings unless the context shall indicate another or different meaning or intent:

"Arcade" means a protected walkway that provides public pedestrian access contiguous to a building. It is open on at least one long dimension, except for structural columns, and has an average unobstructed ceiling height of at least twelve feet. It shall have a clear walkway width of at least twelve feet and not less than five hundred square feet of covered area, including the area occupied by the structural columns. An arcade is not more than eighteen inches above adjoining grade;

"Authority" means the Hawaii community development authority established by section 206E-3, HRS;

"Awning" means a temporary shelter supported entirely from the exterior wall of a building;

"Development" means the construction of a new building or other structure on a development lot, the relocation of an existing building on another development lot, or the use of a tract of land for a new use, or the enlargement of an existing building or use;

"Development lot" means any lot or a combination of lots developed in accordance with the provisions of these rules;

"Eleemosynary organization" means a society, association, or corporation engaged in religious, charitable, educational, scientific, literary, or other benevolent purposes, whose charter or other enabling act contains a provision that, in the event of dissolution, the land owned by such society, association, or corporation shall be distributed to another society, association, or corporation engaged in religious, charitable, educational, scientific, literary, or other benevolent purposes;

"Executive director" means the executive director of the authority;

"Floor area" means the area of the several floors of a building excluding unroofed areas measured from the exterior faces of the exterior walls or from the center line of party walls separating portions of a building. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above, including but not limited to elevator shafts, corridors, and stairways. Excluded from the floor area are parking facilities and loading spaces, including their driveways and accessways, attic areas with headroom less than seven feet, passageways, arcades, covered rooftop areas, and rooftop machinery equipment rooms and elevator housings on the top of buildings;

"Floor area ratio" or "FAR" means the ratio of floor area to land area expressed as a per cent or decimal which shall be determined by dividing the total floor area on a development lot by the lot area of that development lot;

"Ground elevation" means the existing grade of a sidewalk adjacent to any front yard property line or the adjacent street right-of-way line if no sidewalk exists;

"Ground floor windows" means windows extending over at least fifty per cent of the length and twenty-five per cent of the area of ground elevation walls. Ground elevation walls include all exterior wall areas up to nine feet above the ground floor that abut front yards. Ground floor windows must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.

"Hawaii capital district" means a special district established by Article 7 of the land use ordinance;

"Kakaako community development district plan", "Kakaako community development plan", or "Kakaako plan", means the development plans referred to as the "mauka area plan" and the "makai area plan";

"Kakaako special design district ordinance" means Ordinance No. 80-58 of the city and county of Honolulu, as amended;

"Land use ordinance" or "LUO" means Ordinance No. 86-96 of the city and county of Honolulu;

"Land use zone" means any zone delineated on the land use plan map of the makai area plan;

"Lot" means a duly recorded parcel of land which can be used, developed or built upon as a unit;

"Makai area" means that portion of the Kakaako district, established by section 206E-32, HRS, which is bounded by Ala Moana Boulevard, inclusive from Punchbowl Street to Piikoi Street, from Piikoi Street to its intersection with the Ewa boundary of Ala Moana Park also identified as the Ewa boundary of tax map key 2-3-37: 01; the Ewa boundary of tax map key 2-3-37: 01 from its intersection with Ala Moana Boulevard to the shoreline; the shoreline from its

intersection with the property line representing the Ewa boundary of property identified by tax map key 2-3-37: 01 to the property line between Pier 2 and Pier 4 from its intersection with the shoreline to Ala Moana Boulevard; and Ala Moana Boulevard from its intersection with the property line between lands identified by Pier 2 and Pier 4 to Punchbowl Street. The makai area also includes that parcel of land identified by tax map key 2-1-14: 16, situated mauka of Piers 6 and 7 and makai of Nimitz Highway, being the site for the existing Hawaiian Electric power plant and related facilities;

"Makai area design guidelines" means the design guidelines for the makai area adopted on February 2, 2002;

"Makai area plan" means the development plan for the makai area of the Kakaako community development district adopted on September 29, 1998, as amended on December 9, 2002 and November 3, 2005 ;

"Mauka area" means that portion of the Kakaako community development district, established by section 206E-32, HRS, which is bounded by King Street; Piikoi Street from its intersection with King Street to Ala Moana Boulevard; Ala Moana Boulevard, exclusive, from Piikoi Street to its intersection with Punchbowl Street; and Punchbowl Street to its intersection with King Street;

"Mauka area plan" means the development plan for the mauka area of the Kakaako community development district originally adopted on February 16, 1982, as amended January 10, 1983, May 18, 1984, September 6, 1984, April 26, 1985, August 17, 1985, July 15, 1988, June 28, 1989, January 18, 1990, July 16, 1990, September 5, 1997, August 3, 1999, and January 9, 2002;

"Mixed use" means the combination of more than one land use within a development project or area;

"MUZ" means a mixed-use zone where commercial, residential, and community service uses are permitted;

"MUZ-I" means a mixed-use zone where waterfront industrial and commercial uses are permitted;

"Nonconforming use" means an activity using land, buildings, signs, or structures for purposes which were legally established within the makai area prior to but would not be permitted as a new use in any of the land use zones established by this chapter;

"Open space" means noncontiguous, unbuilt and unobstructed spaces at ground elevation between and adjacent to public and private structures;

"Open space systems" mean continuous networks of open space that result from public rights-of-way, view corridors, building setback areas, parks and private open spaces;

"Passageway" means a ground floor, cross-block pedestrianway that facilitates pedestrian movement, is open to the public, and has a minimum clear width of thirty feet and minimum clear height of twelve feet. To qualify, a passageway shall also be open to the sky for at least twenty-five per cent of its area, and all openings to the sky must not be less than twelve feet in any dimension. Passageways must link active use areas, such as lobbies, courtyards, retail shops, and drop-offs. Passageways are exempt from parking, loading, and public facilities fee requirements.

"Platforms" mean a building form providing a base for tower structures. The platforms may contain extensive parking areas as well as other permitted uses;

"Preservation" means keeping a particular property in its present condition. The property may already be in a restored or rehabilitated condition;

"Protection" means undertaking actions or applying measures which will prevent the property from deterioration or loss or which will keep it from being destroyed or abused;

"Public improvement" means any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services;

"Public project" means any project or activity of any county or agency of the State conducted to fulfill a governmental function for public benefit and in accordance with public policy;

"Reconstruction" means the reproduction by new construction of a building, structure, object or parts thereof as it originally appeared;

"Reflective surface" means any glass or other surface, such as polished metal, specified in the manufacturer's literature having reflectance (designated by such terminology as average daylight reflectance, visible light reflectance, visible outdoor reflectance, and comparable terms) of over thirty per cent;

"Rehabilitation" means returning a property to a useful state, thus allowing it to be used while preserving those portions or features considered historically, architecturally, or culturally significant;

"Restoration" means recovering accurately the authentic form and details of a property, or a structure and its setting, usually by renovating a later work, or replacing missing earlier work;

"Tower" means a single building form which may be situated above or abutting a platform; and

"Tower footprint" means the largest area of a single floor of a building above sixty-five feet in height as measured from its exterior faces or edges. [Eff 2/24/90; am 1/7/91; am 2/22/93; am and comp 10/10/98; am 1/13/00; am and comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-2, 206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-2, 206E-4, 206E-5, 206E-7)

§15-23-6 Rules for construction of language.

The following rules of construction apply to the text of this chapter.

- (1) The particular shall control the general;
- (2) In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, map, summary

- table, or illustrative table, the text shall control;
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive;
 - (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary;
 - (5) A "building" or "structure" includes any part thereof;
 - (6) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for";
 - (7) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity;
 - (8) Unless the context clearly indicates the contrary, where a rule involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
 - (A) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (B) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (C) "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination;
 - (9) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of kind or character. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005]

(Auth: HRS §§206E-4, 206E-7) (Imp: HRS §§206E-4, 206E-7)

§15-23-7 Establishment of the Kakaako community development district. The Kakaako district was established by the legislature in 1976. As originally established, the district included that area bounded: by King Street; Piikoi Street from its intersection with King Street to Ala Moana Boulevard; Ala Moana Boulevard from Piikoi Street to its intersection with Punchbowl Street; and Punchbowl Street to its intersection with King Street. The legislature, during its 1982, 1987, and 1990 sessions, revised the district's boundary to include an area of approximately 221 acres makai of Ala Moana Boulevard. The district's present boundary is defined in section 206E-32, HRS, and is delineated on Exhibit 1, entitled "Makai Area Context Plan", dated September 2005, and attached at the end of this chapter. [Eff 2/24/90; am 1/7/91; am and comp 10/10/98; am 1/13/00; comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005]
(Auth: HRS §206E-32) (Imp: HRS §206E-32)

§15-23-8 Establishment and scope of controls.
(a) In harmony with the purpose and intent of chapter 206E, HRS, these rules are established by the Hawaii community development authority for the makai area of the Kakaako district controlling, regulating, and determining: the area of lots; height of buildings; minimum yards and setbacks; required open spaces; the density of buildings; the location and amount of residential uses, commercial uses, recreational uses, waterfront industrial uses, public uses, and other appropriate uses; the location of buildings and other structures; off-street loading requirements; payment of public facilities fee requirements; architectural design; urban design; historic and cultural sites; circulation criteria; environmental standards; and other appropriate regulations relating to land use, zoning, and planning for buildings and structures for

all properties within the makai area of the Kakaako district.

(b) This chapter, together with the makai area plan of the Kakaako District, shall govern all developments and use of properties within the makai area. In case of any discrepancy between the provisions of this chapter and the makai area plan, this chapter shall control.

(c) No building permit shall be issued for any development within the makai area unless the development conforms to the provisions of the makai area plan and this chapter.

(d) All developments, proposed developments, and properties within the makai area shall be subject to all of the provisions of this chapter and the makai area plan. This requirement shall apply notwithstanding the fact that at the effective date of this chapter, a city and county of Honolulu building permit has been applied for or has been issued for the developments, proposed developments, or properties; provided that such requirement shall not apply if a city and county of Honolulu building permit has been issued, substantial expenditures have been incurred, and substantial changes in the land have already occurred. Substantial changes in the land shall be evidenced by substantial excavations for foundations.

(e) No public improvement or project within the makai area shall be initiated or adopted unless it conforms to and implements the makai area plan and this chapter.

(f) Except as otherwise specifically provided, the provisions of this chapter shall supersede the provisions of the city and county of Honolulu's development plan (Ordinance No. 81-79, as amended), the provisions of the Kakaako special design district ordinance (Ordinance No. 80-58, as amended), the provisions of the Hawaii Capitol District Ordinance (Article 7, land use ordinance), and the provisions of the land use ordinance (Ordinance No. 86-96, as amended) as they all shall relate to properties within the Kakaako district. The foregoing ordinances are hereby declared to be inconsistent with this chapter,

and shall therefore be inapplicable to developments within the district unless otherwise specifically stated.

(g) Except as otherwise specifically stated in this chapter, all other rules, laws, and ordinances shall continue to remain applicable to the developments and properties within the Kakaako district.

(h) All agencies of the city and state governments shall perform their duties, functions, and powers which affect the Kakaako district in accordance with the provisions of the Kakaako plans and this chapter.

(i) Project plans that have been approved as to project eligibility shall not be required to comply with the provisions of this chapter or the makai area plan that have been amended subsequent to said approval and prior to construction. However, construction not in compliance with said amended provisions shall be regarded as nonconforming for the purposes of this chapter. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-1, 206E-4, 206E-5, 206E-7, 206E-13, 206E-33) (Imp: HRS §§206E-1, 206E-4, 206E-5, 206E-7, 206E-13, 206E-33)

§15-23-9 REPEALED. [R 10/10/98]

§15-23-10 Project eligibility review. (a) The executive director may require, prior to receipt of any application for a development permit, a project eligibility review of the development project to consider the project's relationship to the makai area plan, its impact on infrastructure facilities such as streets, pedestrian and bicycle circulation, sanitary sewers, drainage and water, and to improve efficiency and avoid unnecessary delays and expense in processing the formal development application. No development application for which a project eligibility review has

been required shall be considered until the project eligibility review has been completed.

(b) To conduct project eligibility review, the applicant shall provide sufficient information that the executive director may reasonably request, such as the proposed site plan, basic massing, floor area allocation and location of proposed uses, off-street parking and loading, pedestrian and vehicular circulation, topography (existing and proposed), and location of existing and proposed improvements and utilities.

(c) To the extent possible, project eligibility review shall be completed within thirty days of the executive director's determination to require the review.

(d) Developments shall not be approved unless adequate infrastructure facilities are or will be made available to service the proposed development prior to occupancy. The executive director may consult with applicable governmental agencies regarding the adequacy of infrastructure requirements. Any development approval may be conditioned with the requirement that the concerns and requirements of appropriate governmental agencies relative to the adequacy of infrastructure facilities for the proposed development are satisfied.

(e) Notwithstanding the requirement for a project eligibility review, potential applicants may seek preliminary review of their proposed developments with the executive director prior to submitting an application for a development permit. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-11 Development permits. (a) A development permit certifying that the development complies with this chapter and the makai area plan shall be obtained from the authority prior to the issuance of a building permit.

(b) An application to the authority for a development permit shall include complete, detailed information showing that the development complies with all of the provisions of this chapter and the makai area plan. The authority may determine the nature and extent of the information required in the application.

(c) Development permits approved by the authority or executive director may be amended by the same provided the applicant demonstrates how the amendment would advance the purposes of redevelopment and be consistent with the intent of this chapter and the makai area plan. When considering a request for amendment to a development permit, the following shall be adhered to:

- (1) A public hearing shall be held if the amendment concerns an issue that would have required a public hearing prior to issuance of a development permit and the amendment does not qualify for administrative amendment as delegated by the authority to the executive director; and
- (2) The authority or executive director, as the case may be, may attach conditions or require compliance with any other provisions of this chapter or the makai area plan.
[Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005]
(Auth: HRS §§206E-4, 206E-5, 206E-7)
(Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-12 Administration. The authority, through its executive director, shall administer the provisions of this chapter. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-13 Appeals. (a) The authority shall hear and determine appeals from the actions of the executive director in the administration of this

chapter. An appeal shall be sustained only if the authority finds that the executive director's action was based on an erroneous finding of a material fact, or that the executive director had acted in an arbitrary or capricious manner or had manifestly abused discretion.

(b) All appeals and appeal procedures shall comply with the provisions of subchapter 7 of chapter 15-16. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-14 Variances. (a) The authority shall hear and determine petitions for varying the application of this chapter with respect to a specific parcel of land and building, and may grant a variance based on unnecessary hardship if the record shows that:

- (1) The applicant would be deprived of the reasonable use of land or building if it were used only for the purpose allowed in that zone;
- (2) The request of the applicant is due to unique circumstances and not the general conditions in the neighborhood, so that the reasonableness of the neighborhood zoning is not drawn into question; and
- (3) The use sought to be authorized by the variance will not alter the essential character of the locality nor be contrary to the intent and purpose of this chapter or the Kakaako plan.

(b) The authority shall specify the particular evidence which supports the granting of a variance. The authority may impose reasonable conditions in granting a variance.

(c) Prior to making a determination on a variance application, the authority shall hold a public hearing. The public hearing shall afford

interested persons a reasonable opportunity to be heard.

(d) Any variance granted under the provisions of this section shall automatically terminate if a development permit for a development requiring said variance has not been issued within two years from the date of granting the variance. This time limit may be extended for a period not to exceed two years, on the authority's approval of the applicant's request and justification in writing for an extension, provided the request and justification are received by the authority at least one hundred days in advance of the automatic termination date of the variance and there are no material changes in circumstances which may be cause for denial of the extension. Prior to making a determination on a request for extension, the authority shall hold a public hearing.

(e) All requests for variances and the applicable requirements and procedures thereto shall comply with subchapter 5 of chapter 15-16. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-15 Nonconformities. (a) Except as otherwise provided, nonconforming uses of land and structures, and nonconforming lots, structures, parking, and loading within the makai area may be continued subject to the provisions of this section.

(b) Any provision to the contrary notwithstanding, existing industrial and commercial uses which meet reasonable performance standards as contained in this chapter shall be permitted to continue in appropriate locations within the district.

(c) Nonconforming uses may be permitted anywhere within the existing makai area.

(d) Nonconforming use of land shall not:

- (1) Be enlarged, increased, or extended to occupy a greater area of land than was occupied on October 10, 1998;

- (2) Continue if it ceases for any reason (except where government action impedes access to the premises) for a period of more than six consecutive months or for twelve months during any three-year period; or
 - (3) Be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use on October 10, 1998.
- (e) The following requirements apply to nonconforming uses of structure:
- (1) Nonconforming use of structure shall not extend to any part of the structure which was not manifestly arranged or designed for the use on October 10, 1998; and a nonconforming use shall not be extended to occupy any land outside the structure. The structure shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered;
 - (2) Nonconforming use of structure shall not continue if it is discontinued for twelve consecutive months or for eighteen months during any three-year period;
 - (3) If structural alterations are not made, any nonconforming use of a structure, or structure and premises in combination, may be changed to another nonconforming use of the same nature, or to a more restricted use, or to a conforming use; provided that change to a more restricted use or to another nonconforming use may be made only if the relation of the structure to the surrounding property is such that adverse effects on occupants and neighboring property will not be greater than if the original nonconforming use continued;
 - (4) On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, roofs, fixtures, wiring, or plumbing, to an extent

not exceeding ten per cent of the current replacement value of the building; provided that the cubic content of the building as it existed on October 10, 1998, shall not be increased; and

- (5) Nothing contained in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of that official.

(f) The following requirements apply to nonconforming structures:

- (1) A nonconforming structure may be continued as long as it remains otherwise lawful;
- (2) A nonconforming structure may be altered in any way which does not increase its nonconformity. However, a nonconforming structure may be enlarged without satisfying the public facilities fee and open space requirements of this chapter, provided that:

- (A) The floor area of the proposed construction does not exceed twenty-five per cent of the floor area of the structure as it legally existed on October 10, 1998, or floor area of the structure at the time of application for a development permit excluding proposed demolitions, whichever is less;
- (B) The proposed construction does not encroach into a required yard, except that roof overhangs, eaves, sunshades, sills, frames, beam ends, projecting courses, planters, or awnings are allowed if they do not extend more than four feet from the existing structure. However, in no event shall roof overhangs, eaves, sunshades, sills, frames, beam ends, projecting courses, or planters be closer than five feet

- from the property line; and awnings may extend over the property line above public property pursuant to the provisions of paragraph (6);
- (C) The total floor area of the existing structure and the expansion do not exceed 1.5 FAR;
 - (D) The proposed construction does not exceed forty-five feet in height;
 - (E) The proposed construction does not adversely affect neighboring properties;
 - (F) The parking requirements of this chapter are satisfied for the area proposed to be constructed; and
 - (G) The area created by the proposed construction will be utilized for a permitted use;
- (3) Any provision of these rules to the contrary notwithstanding, if a nonconforming structure is proposed to be partially acquired as part of an improvement district or other public project, the remainder of the structure may be demolished and the equivalent floor area reconstructed on the lot without satisfying the public facilities fee and open space requirements of this chapter, provided that the executive director shall find that the proposed reconstruction will be utilized for a permitted use, is practically and aesthetically superior to that which would otherwise result if the partially acquired structure was refaced at the new property line, and does not substantially increase nonconformity. Any additional floor area created by the proposed reconstruction shall be subject to the applicable requirements of this chapter;
- (4) If a nonconforming structure is destroyed by any means to an extent of more than fifty per cent of its replacement cost at the time

of destruction, it shall not be reconstructed except in conformity with the provisions of these rules.

Except as otherwise provided herein, no nonconforming structure that is voluntarily razed or required by law to be razed by the owner thereof may thereafter be restored except in full conformity with the provisions of this chapter;

- (5) If a nonconforming structure is moved for any reason, it shall thereafter conform to the applicable rules of this chapter after it is moved;
- (6) Any awning may extend from a nonconforming structure over public property, provided approvals from the appropriate governmental agencies are secured and the awning does not extend more than four feet from the face of the building to which it is attached; and
- (7) Upon satisfaction of the zoning adjustment provision set forth in section 15-23-21, walls and fences may project into or enclose any part of any front yard provided that the wall or fence does not exceed a height of six feet and front yard nonconformities already exist on the development lot.

(g) The following requirements apply to nonconforming lot:

- (1) A nonconforming lot shall not be reduced in area, width, or depth, except because of a government project that is intended to further the public health, safety, or welfare or the intent of the makai area plan;
- (2) Any conforming structure or use may be constructed, enlarged, extended, or moved on a nonconforming lot as long as all other requirements of this chapter are complied with.

(h) Nonconforming parking and loading may be continued, subject to the following provisions:

- (1) If there is a change in use which has a greater parking or loading requirement than the former use, additional parking and loading shall be required and shall not be less than the difference between the requirements for the former use and the proposed use; and
- (2) Off-street parking and loading requirements of this chapter shall be satisfied for additional floor area constructed. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005]
(Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-33) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-33)

§15-23-16 Application fees. (a) Applications for which a public hearing is required shall be accompanied by an application fee. The application fee shall consist of the following:

- (1) A nonrefundable processing fee of \$200 to defray expenses associated with staff review, preparation of a report to the authority, and to conduct the public hearing; and
- (2) A fee for the publication and transmittal of the hearing notice. The cost of the hearing notice shall be refunded only if the public hearing notice has not been submitted to the publishing agency. If a joint hearing is held for more than one permit requiring a public hearing for a single development project, only one public hearing fee shall be charged.

(b) Government agencies shall be exempt from all fees required by this chapter. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-17 Violations. (a) The authority may maintain an action for an injunction to restrain any violation of this chapter or the makai area plan, and may take lawful action to prevent or remedy any violation.

(b) When a violation is found to have occurred the executive director shall require that corrective action be taken and may impose administrative penalties pursuant to subchapter 8 of chapter 15-16. [Eff 2/24/90; am 10/3/94; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-22) (Imp: HRS §206E-22)

§15-23-18 Amendments. This chapter may be amended pursuant to chapter 91, HRS, as may be necessary. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-19 Severability. (a) If a court of competent jurisdiction finds any provision or provisions of this chapter to be invalid or ineffective in whole or in part, the effect of that decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of these rules shall continue to be separately and fully effective

(b) If a court of competent jurisdiction finds the application of any provision or provisions of this chapter to any zoning lot, building or other structure, or tract of land to be invalid or ineffective in whole or in part, the effect of that decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth:

HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-20 Interpretation by the executive director. (a) In administering this chapter, the executive director may when deemed necessary render written interpretations to clarify or elaborate upon the meaning of specific provisions of this chapter for intent, clarity and applicability to a particular situation.

(b) A written interpretation shall be signed by the executive director and include the following:

- (1) Identification of the section of this chapter in question;
- (2) A statement of the problem;
- (3) A statement of interpretation; and
- (4) A justification statement.

(c) A written interpretation issued by the executive director shall be the basis for administering and enforcing the pertinent section of this chapter. All written interpretations rendered pursuant to these rules shall be public record, and shall be effective on the date signed by the executive director. [Eff 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-21 Zoning adjustments and waivers. (a) When a development standard contained in this chapter identifies specific circumstances under which a revision is appropriate, an applicant may request an adjustment to the standard. An adjustment request is to be filed with supporting material specifying the requested adjustment and the manner in which the proposed project qualifies for the adjustment. A request for adjustment shall be approved by the executive director upon finding that criteria for the adjustment specified in the standard are satisfied.

(b) The strict application of the development or design standards of this chapter may be waived by the

executive director for public uses and utility installations. The granting of the waiver shall not, under the circumstances and conditions applied in the particular case, adversely affect the health and safety of persons, and shall not be materially detrimental to the public welfare or injurious to nearby property improvements. The burden of proof in showing the reasonableness of the proposed waiver shall be on the applicant seeking the waiver.

[Eff 10/10/98; comp 2/2/02; comp 12/9/02;
comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5,
206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-22 Automatic approvals. (a) The following development-related permits and approvals shall be deemed approved if no decisions are made granting or denying them within the following review periods:

- (1) Master plan permits: 200 days;
- (2) Development permits: 160 days;
- (3) Certificates of appropriateness: 160 days;
- (4) Conditional use permits for off-site parking or joint use of parking: 160 days;
- (5) Variances: 100 days;
- (6) Modifications: 100 days;
- (7) Certificates of project eligibility: 60 days;
- (8) Conditional use permits for vacant land: 30 days;
- (9) Zoning adjustments and waivers: 30 days; and
- (10) Temporary use permits: 10 days.

(b) The review period shall commence upon submission of a complete application. In the event that no decision is rendered on the application within ten days of the submission of a complete application, the applicant shall be notified of the date for automatic approval.

(c) When a proposed project requires more than one permit or approval or both listed in subsection

(a), the applicant may apply for some or all such approvals concurrently. The review period for concurrent applications shall be based on the permit or approval with the longest review period.

(d) Application filing procedures and preparation guidelines may be provided to assist applicants. [Eff 1/13/00; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§§15-23-23 to 15-23-29 (Reserved)

SUBCHAPTER 2

LAND USE ZONE RULES

§15-23-30 Establishment of land use zones.

Within the makai area, there are hereby established the following land use zones:

- (1) Mixed-use zone (MUZ);
- (2) Waterfront commercial (WC);
- (3) Mixed-use zone industrial (MUZ-I);
- (4) Park (P); and
- (5) Public use areas (PU).

The boundaries for each zone are set forth in Exhibit 2 entitled "Land Use Zones"; dated September 2005, and attached at the end of this chapter. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §206E-7) (Imp: HRS §206E-7)

§15-23-31 MUZ zone: purpose and intent. The mixed-use zone (MUZ) established by this chapter is designed to promote and protect the public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (1) To provide a subdistrict whereby a variety of residential and commercial uses may coexist compatibly within the same area. The emphasis within this zone shall be to develop a mixed-use multi-storied area which will provide housing, jobs, and other employment opportunities. In addition, the area will support a variety of appropriate community facilities for residents and workers;
- (2) To create a truly vibrant living and working environment by regulating the density and bulk of buildings in relation to the land around them and to one another, by requiring the provision of open space and encouraging the development of job opportunities;
- (3) To provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms; and
- (4) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential and commercial development, to protect the character of the district and its peculiar suitability for particular uses, and to conserve the value of land and buildings. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)]

§15-23-32 MUZ zone: use rules. Within the mixed-use zone (MUZ), the following uses and structures shall be permitted:

- (1) Commercial uses:
 - (A) Shopping center complexes;
 - (B) Food markets, stores, delicatessens, bakeries;

- (C) Drug stores;
- (D) Liquor stores;
- (E) General merchandise;
- (F) Apparel and accessories;
- (G) Eating or drinking establishments;
- (H) Hardware stores;
- (I) Furniture, home furnishing, and equipment;
- (J) Stationery stores;
- (K) Variety stores;
- (L) Personal service establishments, including: barber shops, beauty shops, shoe repair shops, dry cleaning, dyeing, laundry, pressing, dressmaking, tailoring, and garment repair shops;
- (M) Business, vocational, and language schools;
- (N) Banks and financial institutions, insurance, and real estate offices;
- (O) Greenhouses and plant nurseries;
- (P) Private clubs, lodges, social centers, eleemosynary establishments, and athletic clubs;
- (Q) Theaters, museums, art galleries, libraries, historical sites;
- (R) Repair services for radio, television, bicycles, business machines and household appliances, other than those with internal combustion engines;
- (S) Commercial condominiums;
- (T) Commercial entertainment and recreation facilities (indoor and outdoor);
- (U) Radio and television studios and other communication uses, excluding towers;
- (V) Medical and health services;
- (W) Legal, engineering, accounting, and other professional services;
- (X) Offices, professional clinics, studios, medical and research laboratories;
- (Y) Retail establishments, including incidental manufacturing of goods for sale only at retail on the premises;

- (Z) Motor vehicle and vehicle accessory establishments (sales, rentals, and service);
 - (AA) Miscellaneous retail trade store;
 - (BB) Miscellaneous business services, including: watch, clock, and jewelry repair; typewriter repair; armature rewinding; general fix-it shop; advertising firm; employment agency; services to dwellings (window cleaning, insect exterminating); and management areas;
 - (CC) Governmental services administrative;
 - (DD) Military recruiting stations;
 - (EE) Outdoor private land recreation (operated for profit);
 - (FF) Travel agencies;
 - (GG) Parking garages (enclosed);
 - (HH) Laundry, laundry and cleaning service, (includes self-service laundry);
 - (II) Radio/TV broadcasting, excluding towers;
 - (JJ) Motion picture recording and sound studios;
 - (KK) Miscellaneous business services, including duplicating, blueprinting, linen supply, services to dwellings, typewriter repair, armature rewinding, and general fix-it shop; and
 - (LL) Personal services establishments, including: shoe repair shops, dry cleaning, dyeing, pressing, dressmaking, tailoring, and garment repair shops.
- (2) Residential uses: Multi-family dwellings, including apartments, assisted living facilities, public housing, condominiums, dormitories, rooming houses, townhouses, townhouse condominium and model units.
 - (3) Community service uses:
 - (A) Nursing clinics and convalescent homes, and nursing facilities, assisted living

- administration, or ancillary assisted living amenities for the elderly and people with disabilities;
- (B) Child care, day care, and senior citizen centers;
 - (C) Nursery schools and kindergartens;
 - (D) Churches;
 - (E) Charitable institutions and nonprofit organizations;
 - (F) Public uses, including: public safety facilities; post offices; hospitals; miscellaneous health and medical facilities; educational institutions; cultural centers/ libraries; religious institutions; public school/park complexes; outdoor public land recreation; indoor public recreation; personal development centers; and utility substations, provided that utility substations other than individual transformers shall be surrounded by a wall, solid except for entrances and exits, or by a fence with a screening hedge six feet in height; provided also that transformer vaults for underground utilities and like uses shall require only a landscape screening hedge, solid except for access opening; and
 - (G) Consulates.
- (4) Uses and structures which are customarily accessory and clearly incidental and subordinate to the principal uses and structures. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-33 WC zone: purpose and intent. The waterfront commercial zone (WC) established by this

chapter is designed to promote and protect the public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (1) To promote an environment where residential and retail commercial uses will coexist compatibly alongside maritime uses; and
- (2) To promote the most desirable use of land and adjacent water uses in accordance with a well-considered plan, to promote stability of surrounding land uses, to protect the character of the district and its peculiar suitability for particular uses, and to conserve the value of land and buildings. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp **NOV 03 2005**] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §206E-4, 206E-5, 206E-7)

§15-23-34 WC zone: use rules. Within the waterfront commercial zone (WC), the following uses and structures shall be permitted:

- (1) Commercial uses:
 - (A) Food markets, stores, delicatessens, bakeries;
 - (B) Drug stores;
 - (C) Liquor stores;
 - (D) General merchandise;
 - (E) Apparel and accessories;
 - (F) Eating and drinking establishments;
 - (G) Furniture, home furnishing, and equipment;
 - (H) Variety stores;
 - (I) Passenger transportation terminals;
 - (J) Theaters, museums, art galleries, libraries, and historical sites;
 - (K) Commercial recreation and entertainment facilities; and
 - (L) Offices, professional offices, travel agencies, and other office uses.

- (2) Residential uses: Multi-family dwellings, including apartments, assisted living facilities, public housing, condominiums, dormitories, rooming houses, townhouses, townhouse condominium and model units.
- (3) Maritime uses:
 - (A) Fish and seafood wholesaling and retailing;
 - (B) Aquariums and museums;
 - (C) Piers, wharves, and docks;
 - (D) Terminals for passengers arriving or departing by ship ferry or watertaxi; and
 - (E) Sales offices for commercial maritime operations.
- (4) Uses and structures which are customarily accessory and clearly incidental and subordinate to the principal uses and structures. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-35 REPEALED. [R 10/10/98]

§15-23-36 REPEALED. [R 10/10/98]

§15-23-37 MUZ-I zone: purpose and intent. The purpose of the mixed-use zone industrial (MUZ-I) established by this chapter is designed to promote and protect the public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (1) To provide a subdistrict whereby a variety of waterfront industrial and commercial uses may coexist compatibly within the same area. The emphasis within this zone shall be to develop a predominantly waterfront

industrial area which will provide jobs and other employment opportunities. In addition, the area will support a variety of appropriate commercial and community facilities for workers;

- (2) To ensure that harbor-related industrial activities that are vital to the performance of the port functions at Piers 1 and 2 are continued and facilitated; and
- (3) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of industrial and commercial development, to protect the character of the district and its peculiar suitability for particular uses, and to conserve the value of land and buildings.
[Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-38 MUZ-I zone: use rules. Within the mixed-use zone industrial (MUZ-I), the following uses and structures shall be permitted:

- (1) Waterfront industrial uses:
 - (A) Piers, wharves and docks;
 - (B) Terminals for passengers arriving or departing by ship ferry or watertaxi;
 - (C) Sales offices for commercial maritime operations;
 - (D) Boating and fishing services and supplies;
 - (E) Fish and seafood wholesaling;
 - (F) Utilities installations; and
 - (G) Maritime fuel operations.
- (2) Commercial uses:
 - (A) Food markets, stores, delicatessens, bakeries;
 - (B) Drug stores;
 - (C) Liquor stores;

- (D) General merchandise;
 - (E) Apparel and accessories;
 - (F) Eating and drinking establishments;
 - (G) Furniture, home furnishing, and equipment;
 - (H) Variety stores;
 - (I) Passenger transportation terminals;
 - (J) Theaters, museums, art galleries, libraries, and historical sites;
 - (K) Commercial recreation and entertainment facilities; and
 - (L) Offices; professional offices, travel agencies, and other office uses.
- (3) Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-39 MUZ-I zone: development standards.

The following shall apply to waterfront industrial uses within the MUZ-I zone:

- (1) On-site open space shall not be required;
- (2) One off-street parking space for every two employees or one space per one thousand square feet of floor area, whichever is greater, shall be required; and
- (3) Public facilities fees shall not be required. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-40 Park areas. Within areas designated "Park" (P), the following uses shall be permitted:

- (1) Amphitheaters;

- (2) Performing arts centers;
- (3) Museums, art galleries and workshops;
- (4) Aquariums and [marine] research facilities;
- (5) Active and passive recreation;
- (6) Gardens, greenhouses;
- (7) Parking;
- (8) Exploratoriums; and
- (9) Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures. The authority may allow other uses, provided that such other uses shall further the purpose and intent of this chapter and the makai area plan.

In circumstances where there may be uncertainty about applicable provisions, the executive director shall determine which land use zone provisions apply. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-41 Public areas. Within areas designated "Public" (PU), the provisions applicable to the adjacent land use zone shall apply. In addition, the following uses shall be permitted:

- (1) Utility substations;
- (2) Museums; and
- (3) Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures.

In circumstances where there may be uncertainty about applicable provisions, the executive director shall determine which land use zone provisions apply. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-42 Minimum lot area, width and depth. Subdivision of any parcel within any land use zone shall result in a lot area of no less than ten thousand square feet and a lot width and depth of no less than sixty feet, provided no minimum subdivided lot area, width and depth shall apply to permanent off-site parking facilities, street and utility improvement projects, and public utility lots or easements used solely for utility facilities such as transformers, switch vault substations, and pumping stations. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-43 Subdivision and consolidation. The subdivision or consolidation of land within any land use zone shall be processed and approved by the city and county of Honolulu. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§§15-23-44 to 15-23-59 (Reserved)

§15-23-60 Additional development requirements. In addition to the requirements of the respective land use zones specified in this subchapter, the development requirements of subchapter 3 relating to any development, irrespective of the land use zone in which it is located, shall be applicable unless specifically provided otherwise. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5; 206E-7)

SUBCHAPTER 3

GENERAL DEVELOPMENT REQUIREMENTS

§15-23-61 Purpose and intent. The purpose of this subchapter is to set forth standards relating to development which are generally applicable to any use or site, irrespective of the land use zone in which it is located. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-62 Density. The maximum floor area ratio (FAR) for any development lot within any land use zone shall be as set forth in Exhibit 3, entitled "Maximum Height and Density Plan", dated September 2005, and attached at the end of this chapter. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-63 Heights. (a) No portion of any building or other structure located within any land use zone shall exceed the height set forth in Exhibit 3, entitled "Maximum Height and Density Plan", dated September 2005, and attached at the end of this chapter.

(b) The height of any structure shall be measured from ground elevation, except where finish grade is higher than ground elevation in order to meet city construction standards for driveways, roadways, drainage, sewerage and other infrastructure requirements.

(c) The following building elements or features and associated screening shall be exempt from height limits subject to the following restrictions:

- (1) Necessary utilitarian features including:
stairwell enclosures, safety railings,

ventilators, and skylights; decorative or recreational features, including rooftop gardens, planter boxes, flag poles, spires, parapet walls or ornamental cornices; roof-mounted mast, whip and dish antennae; and energy-saving devices, including heat pumps and solar collectors, may exceed the height limit by not more than twelve feet; and

- (2) Vent pipes, fans, roof access stairwells, and structures housing rooftop machinery, such as elevators and air-conditioning, and chimneys, may exceed the height limit by not more than eighteen feet.

(d) Miscellaneous building elements may exceed the height limit subject to the zoning adjustment process specified in section 15-23-21.

(e) Auditoriums, amphitheaters, and performing arts centers may exceed the height limit as approved by the executive director.

(f) Rooftop features which principally house elevator machinery and air-conditioning equipment may extend above the governing height limit for structures subject to the zoning adjustment provision set forth in section 15-23-21 and the following conditions:

- (1) If the elevator cab opens on the roof, machinery may not be placed above the elevator housing;
- (2) The highest point of the roofing treatment shall not exceed five feet above the highest point of equipment structures; and
- (3) Areas proposed to be covered by the rooftop feature will not be counted as floor area, provided they are used only for the housing of rooftop machinery. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-64 Yards. (a) Every yard bounded by a street shall be a front yard. A minimum front yard of

fifteen feet in depth shall be required for each development lot. The minimum front yard may be waived if commercial use is provided at grade that enhances the pedestrian environment. Notwithstanding the foregoing, the block bounded by Ala Moana Boulevard, Cooke, Ilalo, and Coral Streets shall have a minimum front yard of thirty feet in depth on its Cooke Street boundary and no front yard shall be required on its Coral Street boundary.

(b) The minimum side and rear yard requirements shall be as follows:

- (1) For structures without windows or openings facing side or rear property lines, no side or rear yard shall be required;
- (2) For structures containing windows or openings facing side or rear property lines, the minimum side yard shall be ten feet, and the minimum rear yard shall be ten feet; and
- (3) Parking spaces may extend to side and rear property lines through the zoning adjustment process specified in section 15-23-21, subject to the following conditions:

(A) An area or areas of required yards equivalent to the area to be used for parking or accessory use structures is provided elsewhere on the zoning lot. This equivalent area shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang yard areas up to three feet if wheel stops are installed. A minimum of fifty per cent of the equivalent area shall be contiguous to the street frontage abutting the zoning lot.

(B) Any parking floor situated within ten feet of the property line shall not be more than four feet above existing grade.

(c) Yard widths shall be measured perpendicular to lot lines, except that front yards shall be measured perpendicular to the street right-of-way or

the established street setback line, whichever is the greater distance from the street center line.

(d) All required yards shall be landscaped pursuant to section 15-23-142.

(e) No business or structure shall be carried on or located within any required yard except as follows:

- (1) Up to fifty per cent of the lot frontage may be used for outdoor dining areas, provided they are covered with umbrellas, awnings, or trellises, and remain open on the sides during business hours;
- (2) Dispensers for newspaper sales and distribution are permitted;
- (3) Porte cocheres and pergolas may be allowed with approval of the executive director; and
- (4) Bicycle parking, including a fixed bicycle rack for parking and locking bicycles.

(f) Roof overhangs, eaves, sunshades, sills, frames, beam ends, projecting courses, planters, awnings, and other architectural embellishments or appendages, and minor mechanical apparatus with less than a thirty-inch vertical thickness may project into the required yards no more than five feet.

(g) Retaining walls within required yards shall not exceed a height of three feet. A safety railing, not capable of retaining earth or exceeding forty-two inches may be erected on top of the retaining wall. The executive director may allow modification of the maximum height based on safety or topography. Walls and fences may project into or enclose any part of any yard, except required front yards, provided that the fence or wall shall not exceed a height of six feet.

(h) Parking and loading including related maneuvering area or aisle shall not be allowed in any required yard or street setback area, except that parking spaces may overlap required front yards by three feet if wheel stops are installed. [Eff

2/24/90; am and comp 10/10/98; am 1/13/00; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005]
 (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-65 Open space. (a) Open space is that portion of a development lot, exclusive of required yards, setback areas, or parking areas, which is:

- (1) Open and unobstructed overhead;
- (2) Landscaped or maintained as a recreational or social facility;
- (3) Not to be used for driveways, loading purposes, or storage, or for the parking of vehicles; and
- (4) Visible and open to the public during normal business hours.

(b) Berms, landforms, or underground structures covered with landscape treatment including artificial turf, shall be considered as part of the required open space, provided that open space shall not exceed four feet from the sidewalk elevation.

(c) For any development lot within any land use zone, except lands entirely devoted to waterfront industrial uses in the MUZ-I zone:

- (1) The minimum amount of open space shall be the lower of:
 - (A) Twenty per cent of the development lot area; or
 - (B) Thirty per cent of the development lot area less required yard areas;
- (2) The minimum required open space may include both of the following:
 - (A) Up to twenty-five per cent of an adjacent front yard provided that:
 - (i) At least one-half of the open space is entirely in one location and proportioned to a maximum length-to-width of 2:1; and
 - (ii) One linear foot of seating is provided for each thirty square feet of open space;
 - (B) Up to twenty-five per cent of any passageways or arcades.

(d) Open space requirements for developments on lots of 40,000 square feet or less shall be according to the following table. For lot areas between 10,000

and 40,000 square feet, the minimum open space is proportional to the parameters of the lots enumerated in the following table:

<u>Lot Area</u> (square feet)	<u>Minimum Open Space</u> (Per cent of lot area)
40,000	20
20,000	10
10,000 or less	0

[Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 0 3 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-66 REPEALED. [R 10/10/98]

§15-23-67 Building envelopes. Building envelopes for developments shall conform with requirements set forth in Exhibit 4, entitled "Maximum Building Envelope", dated September 2005, attached at the end of this chapter. Towers shall generally be oriented with the long axis in the mauka-makai direction. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; am and comp 12/9/02; am and comp NOV 0 3 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-68 Off-street parking. (a) Except as otherwise provided in this chapter, the minimum number of required off-street parking spaces for development lots within any land use zone shall be as specified in the following table:

OFF-STREET PARKING REQUIREMENTS

<u>Use</u>	<u>Requirement</u>
Auditoriums	One per three hundred square feet of assembly area or one per ten fixed seats, whichever is greater.
Churches and theaters	One per every five fixed seats or fifty square feet of general assembly area, whichever is greater.
Commercial and all other uses	One per four hundred square feet of floor area.
Daycare facilities	One per ten enrollment capacity.
Eating and drinking establishments	One per three hundred square feet of eating and drinking area, plus one per four hundred square feet of kitchen or other area.
Multi-family dwellings (including reserved housing units):	
600 sq. ft. or less	0.9 per unit
More than 600 but less than 800 sq.ft.	1.13 per unit
800 sq.ft. and over	1.35 per unit

<p>Nursing clinics and convalescent homes, and special-care homes for the elderly and people with disabilities</p>	<p>0.9 per four patient beds, dwelling units, or lodging units.</p>
<p>Schools: language, vocational, business, technical and trade, colleges or universities</p>	<p>One for each ten students of design capacity, plus one per four hundred square feet of office floor area.</p>
<p>Waterfront industrial uses</p>	<p>One per one thousand square feet of floor area or one on-site space per every two employees, whichever is greater. On-site parking areas within this zone are not required to be enclosed.</p>

(b) The following are to be used in determining the required number of off-street parking spaces:

- (1) Where a proposed use is applicable to more than one use listed in the table in subsection (a), or where there may otherwise be uncertainty as to the off-street parking requirement for a proposed use, the executive director will review the proposed use and determine its equivalent and applicable off-street parking requirement;
- (2) When computation of required parking spaces results in a fractional number, the number of spaces required shall be the nearest whole number;
- (3) In churches and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities each twenty-four inches of width shall be

counted as a seat for the purpose of determining requirements for off-street parking;

- (4) All required parking spaces shall be standard-sized parking spaces; and
- (5) When a building or premise includes uses incidental or accessory to a principal use, the total number of spaces required shall be determined on the basis of the parking requirements of the principal use or uses, except that if the accessory use creates a larger parking demand than the principal use, the number of required parking spaces shall be determined on the basis of the parking requirement for each respective use.

(c) The following are general standards for parking lots or areas:

- (1) All parking and drive areas shall be provided and maintained with an all-weather surface, except as otherwise provided in this chapter;
- (2) Parking areas, if illuminated, shall be illuminated in such a manner that all light sources are shielded from the direct view of adjacent lots;
- (3) Ingress and egress aisles shall be provided to a street and between parking bays, and no driveway leading into a parking area shall be less than twelve feet in width. In addition, minimum aisle widths for parking bays, except mechanical parking areas, shall be provided in accordance with the following table:

<u>Parking Angle</u> <u>(in degrees)</u>	<u>Aisle Width</u> <u>(in feet)</u>
0-44	12
45-59	13.5
60-69	18.5
70-79	19.5
80-89	21
90	22

Notwithstanding the foregoing, with a parking angle of ninety degrees, the minimum aisle width may be reduced by one foot for every six inches of additional parking space width above the minimum width of eight feet three inches, to a minimum aisle width of nineteen feet;

- (4) Where four or more parking spaces are required, all parking areas shall be designed or arranged in a manner that no maneuvering into any street, alley, or walkway is necessary in order for a vehicle to enter or leave the parking space, and which allows all vehicles to enter the street in a forward manner;
- (5) Developments may have open or uncovered parking at grade. Developments which provide parking in a structure shall contain a roof or trellis within the allowable height limit and walls on at least three sides. The walls shall be at least forty-two inches high and shall screen parked vehicles. Parking located on a roof shall be allowed subject to the zoning adjustment provision set forth in section 15-23-21, subject to the following conditions:
 - (A) Negative impacts or incompatibilities with adjacent properties shall be mitigated; and
 - (B) Appropriate screening with architectural or landscaping elements shall be provided;
- (6) Grade level open or uncovered parking areas with more than ten spaces shall provide at least eight per cent of the gross parking and driveway area as interior parking area landscaping. Interior parking area landscaping is defined as landscaped areas not counted as open space or required yard setbacks situated between parking stalls. The interior parking area landscaping shall consist of planter areas, each containing

one tree of at least two-inch caliper with ground cover or shrubs at the base dispersed within the parking area. Trees within the planter area shall be limited to shade or flowering trees such as monkeypod, rainbow shower, poinciana, wiliwili, or autographs; and

- (7) For new developments or enlargement of nonconforming structures, parking may be open or uncovered at grade but shall be buffered or screened from any right-of-way by a hedge of at least forty-two inches in height, provided the hedge shall not be required for vehicular sales or rental establishments. The hedge may be located in required yards or open space. Cars shall not be parked so as to protrude into required yards or open space, except as provided by section 15-23-64(b)(3).

(d) The following are general standards for parking spaces:

- (1) All spaces shall be individually marked if more than four spaces are required;
- (2) All spaces shall be unobstructed, provided a building column may extend a maximum total of six inches into the sides of the parking space. A wall is not considered a building column;
- (3) Standard-sized parking spaces shall be at least eighteen feet in length and eight feet three inches in width with parallel spaces at least twenty-two feet in length; and
- (4) All spaces shall be so arranged that any automobile may be moved without moving another, except that tandem parking shall be permissible in instances where the parking spaces are used for employee parking, where all parking is performed by an attendant at all times, or for public assembly facilities and temporary events, including church

services and activities where user arrivals and departures are simultaneous and parking is attendant directed. Tandem parking for employee parking shall be limited to a configuration of two stacked parking stalls and at no time shall the number of parking spaces allocated for employees exceed twenty-five per cent of the total number of required spaces.

(e) Mechanical means of providing parking spaces or access thereto, is permitted provided the following conditions are met:

- (1) Adequate waiting and maneuvering spaces are provided on the lot in order to minimize on-street traffic congestion, subject to the approval of the executive director; and
- (2) All mechanical equipment shall be visually screened by architectural or landscape treatments.

(f) Parking for the physically disabled shall comply with applicable federal, state, and county standards, rules, and regulations for the physically disabled. Public projects shall comply with section 103-50, HRS.

(g) A conditional use permit for joint use or off-site parking facilities described in subsection (h) may be granted by the executive director. Either an owner or a developer, or a lessee holding a recorded lease for the property, the unexpired term of which is more than five years from the date of filing of the application, may qualify for a conditional use permit. Applications shall be accompanied by:

- (1) A plan drawn to scale, showing the actual dimensions and shape of the lot, the sizes and locations on the lot of existing and proposed structures, if any, and the existing and proposed uses of structures, parking and open spaces;
- (2) A plan describing the method and manner in which the proposed use or tenant will fulfill the requirements of subsection (h); and

- (3) Any additional information requested by the executive director relating to topography, access, surrounding land uses, written agreements and other matters as may reasonably be required in the circumstances of the case.

(h) In the event a conditional use is granted for the number of off-street parking spaces required by this chapter, said required parking spaces shall be provided on-site as joint use of parking facilities or in off-site parking facilities.

- (1) Joint use of parking facilities: Joint use of off-street parking facilities may be allowed, provided that:
 - (A). The distance from the entrance of the parking facility to the nearest principal entrance of the establishment or establishments involved in such joint use shall not exceed 1,200 feet by normal pedestrian routes;
 - (B) Parking spaces involved in joint use shall not be set aside exclusively for compact cars, valet parking, or particular user groups or individuals;
 - (C) The amount of off-street parking which may be credited against the requirements for the use or uses involved shall not exceed the number of spaces reasonably anticipated to be available during differing periods of peak demand;
 - (D) A written agreement assuring continued availability of the number of spaces for the uses involved at the periods indicated shall be drawn and executed by the parties involved, and a certified copy shall be filed with the authority. No change in use or new construction shall be permitted which increases the requirements for off-street parking space unless such additional space is provided; and

- (E) The joint use arrangement is logical and practical and will not adversely affect adjacent developments or uses or result in impacts other than which could be reasonably anticipated if standard off-street parking provisions were applied.
- (2) Off-site parking facilities: Off-site parking facilities may be allowed, provided that:
- (A) The distance from the entrance to the parking facility to the nearest principal entrance of the establishment or establishments involved shall not exceed 1,200 feet by normal pedestrian routes;
 - (B) A written agreement assuring continued availability of the number of spaces indicated shall be drawn and executed, and a certified copy shall be filed with the authority. The agreement shall generally provide that if the amount of parking spaces is not maintained, or space acceptable to the executive director substituted, the use, or such portion of the use as is deficient in number of parking spaces, shall be discontinued. No change in use or new construction shall be permitted which increases the requirements for off-street parking unless such additional space is provided; and
 - (C) The off-site parking arrangement is logical and practical and will not adversely affect adjacent developments or uses or result in impacts other than which could be reasonably anticipated if standard off-street parking provisions were applied.
- (i) Changes in use that would otherwise require the addition of no more than three parking spaces may

set forth in section 15-23-21 and the following conditions:

- (1) There are no reasonable means of providing the additional parking spaces which would otherwise be required, including but not limited to joint use of parking facilities and off-site parking facilities; and
- (2) There was no previous grant of an adjustment from parking requirements on the lot pursuant to this subdivision.

(j) An alternative parking requirement may be considered subject to the zoning adjustment process specified in section 15-23-21 and the following conditions:

- (1) A parking demand study shall be provided specifying the alternative parking requirement along with any documentation that supports the proposed adjustment; and
- (2) The parking adjustment is reasonable and will not adversely affect adjacent developments or uses or result in impacts other than which could be reasonably anticipated if standard off-street parking provisions were applied. Eff 2/24/90; am and comp 10/10/98; am 1/13/00; comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-69 Off-street loading. (a) Except as otherwise provided in this chapter, the off-street loading requirements herein specified shall apply to all development lots exceeding five thousand square feet based on the class or kind of uses to which the lot is to be placed. In addition, in connection with development permits involving such classes or kinds of uses, special requirements may be imposed.

(b) Any building existing within the makai area on October 10, 1998 and which is subsequently altered to increase floor area shall provide off-street

loading spaces for the area proposed to be constructed as indicated in the following table:

OFF-STREET LOADING REQUIREMENTS

<u>Use or Use Category</u>	<u>Floor Area (in square feet)</u>	<u>Loading Space Requirements</u>
Hospitals or similar institutions or places of public assembly.	5,000 - 10,000	one
	10,001 - 50,000	two
	50,001 - 100,000	three
	Each additional 100,000 over 100,000	one
Multi-family dwellings.	20,000-150,000	one
	150,001-300,000	two
	Each additional 200,000 over 300,000	one
Offices or office buildings, waterfront industrial uses.	20,000 - 50,000	one
	50,001 - 100,000	two
	Each additional 100,000 over 100,000	one
Retail stores, eating and drinking establishments, wholesale operations, business services, personal services, repair, general service.	2,000 - 10,000	one
	10,001 - 20,000	two
	20,001 - 40,000	three
	40,001 - 60,000	four
	Each additional 50,000 over 60,000	one

(c) In the event a building is used for more than one use, and the floor area for each use is below the minimum requiring a loading space, as set forth in the table below, the required loading space or spaces shall be determined by taking the aggregate floor area of the several uses and applying the requirements of the use category requiring the greatest number of loading spaces.

(d) Loading space required under this section shall not be in any street or alley, but shall be provided within the building or on the lot. The following standards shall also apply to loading spaces:

- (1) When only one loading space is required and total floor area is less than 5,000 square feet, the minimum horizontal dimensions of the space shall be eighteen feet by eight feet three inches, and the space shall have a vertical clearance of at least ten feet;
- (2) When more than one loading space is required, the minimum horizontal dimensions of at least half of the required spaces shall be twelve feet by thirty-five feet and have a vertical clearance of at least fourteen feet. The balance of the required spaces shall have horizontal dimensions of at least eighteen feet by eight feet three inches and vertical clearance of at least ten feet;
- (3) Each loading space shall be unobstructed and shall be arranged so that any vehicle may be moved without moving the other;
- (4) Adequate maneuvering areas and access to a street shall be provided and shall have a vertical clearance not less than the applicable height for the loading space;
- (5) All loading spaces and maneuvering areas shall be paved with an all-weather surface;
- (6) Where loading areas are illuminated, all sources of illumination shall be shielded to prevent any direct reflection toward adjacent premises;
- (7) Loading spaces for three or more vehicles shall be arranged so that no maneuvering to

- enter or leave a loading space shall be on any public street, alley, or walkway;
- (8) Each required loading space shall be identified as such and shall be reserved for loading purposes;
 - (9) No loading space shall occupy required off-street parking spaces or restrict access; and
 - (10) No loading space or maneuvering area shall be located within a required yard.
- (e) An adjustment of up to fifty per cent of the required number of loading spaces may be allowed when the loading spaces are assigned to serve two or more uses of a single development project jointly, provided that:
- (1) Each use has access to the loading zone without crossing any street or public sidewalk; and
 - (2) The amount of loading spaces which may be credited against the requirements for the use or uses involved shall not exceed the number of spaces reasonably expected to be available during differing periods of peak demand. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-70 Signs. Sign permits shall be processed by the city and county of Honolulu. Except as otherwise provided, signs shall conform to the "B-2 Community Business District" sign regulations of the land use ordinance. The city and county of Honolulu shall be responsible for enforcement of the ordinance's provisions, and shall also administer appeals and variances relating to signs. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-71 REPEALED. [R 10/10/98]

§15-23-72 Circulation. (a) The approval of the executive director or authority shall be required on any addition, deletion, modification or alteration of existing streets shown on the district plan. The executive director or authority may consult with other appropriate governmental agencies prior to said approval.

(b) Public or private mid-block pedestrian or bicycle circulation paths may be required where appropriate in conjunction with development projects. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-73 Public facilities fee. (a) This section shall apply to any development within the makai area that increases an existing development's floor area by more than twenty-five per cent as compared to the development's floor area existing within the makai area on October 10, 1998, or at the time of application for a development permit, excluding proposed demolitions, whichever is less. All new floor area of a development subject to this section shall pay a public facilities fee.

(b) As a condition precedent to the issuance of a development permit, the developer shall agree to payment of a fee for public facilities for the joint use by the occupants and employees of the development as well as by the public. The public facilities fee shall be established at a sum equal to the fair market value of land for the following respective land uses:

- (1) Three per cent of the total commercial and community service floor area of the development to be constructed exclusive of nursing facilities, assisted living administration, and ancillary assisted living amenities; and

- (2) Four per cent of the total residential floor area of the development to be constructed exclusive of floor area devoted to reserved housing units and their associated common areas in proportion with the floor area of other uses.
- (c) Valuation of land shall be determined as follows:
 - (1) Valuation shall be based upon the fair market value of the land prior to its development; and
 - (2) In the event that a fair market value cannot be agreed on, the value shall be fixed and established by majority vote of three land appraisers; one shall be appointed by the developer, one appointed by the executive director in the case of base zone development or the authority in the case of planned development, and the third appointed by the first two appraisers. All appraisers shall have had a minimum of five years of training and experience in real estate appraisal work. The developer shall be responsible for one-half of the appraisal fees and costs.
- (d) This section shall not apply to any development or to that portion of a development undertaken by an eleemosynary organization for its own use, or to any development for public uses and structures or for a public improvement or any public project.
- (e) The fee shall be payable prior to the issuance of the initial certificate of occupancy and secured by the applicant with a financial guaranty bond from a surety company authorized to do business in Hawaii, an acceptable construction set-aside letter, or other acceptable means prior to the issuance of the initial building permit. Calculation of the fee shall be fixed in the development permit and may only be adjusted for revisions in floor area that is approved through an amendment of the development permit.

(f) Payment of fees shall be made to the authority for deposit in a revolving fund to be created and established by the authority. The authority may expend the moneys in the fund for the purchase, creation, expansion, or improvement of public facilities within the district. The authority may transfer any portion of those funds to the city and county of Honolulu for public facilities purposes within the Kakaako district.

(g) Nothing contained in this subchapter shall preclude the creation of any improvement district for public facilities, or the imposition of assessments against properties specially benefited within the district. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005]
(Auth: HRS §§206E-7, 206E-12) (Imp: HRS §§206E-7, 206E-12)

§15-23-74 Prohibition of structures within a mapped street. (a) As used in this section, "mapped street" means a highway, road or street designated in the makai area plan as an existing or future road, street, or highway right-of-way.

(b) No building or structure shall be erected within the area of any mapped street or its required setback area, except upper-level pedestrianways approved by the authority and awnings which may be allowed to project from nonconforming structures over public property pursuant to section 15-23-15.

(c) Except as provided in subsection (b) above, if the executive director finds that a building or structure proposed to be erected will be within the boundaries of any mapped street, the development permit shall be denied and the owner or applicant for the permit shall be notified of the reason for the denial. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; am and comp 12/9/02; comp NOV 03 2005]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-75 Development of properties within the Aloha tower special district. (a) Properties within the Aloha tower special district as set forth in Exhibit 1, entitled "Makai Area Context Plan", dated September 2005, and attached at the end of this chapter shall be developed so that the resulting development is capable of integration into any overall development plan which may be adopted for the Honolulu waterfront and the development objectives of the Aloha tower development corporation, as identified in section 15-26-38.

(b) Permitted uses within the Aloha tower special district shall be any of the uses which the authority finds compatible with the makai area plan, and capable of integration into any overall development plan which may be adopted for the Honolulu waterfront and the development objectives of the Aloha tower development corporation.

(c) In approving development permits for projects within the Aloha tower special district, the authority may impose on the applicant conditions and requirements that are reasonable and necessary to carry out the intent of any overall development plan which may be adopted for the Honolulu waterfront and the development objectives of the Aloha tower development corporation.

(d) Any provision to the contrary notwithstanding, the authority may waive requirements of these rules or the makai area plan for developments within the Aloha tower special district provided the authority is assured that the waiver will result in an increase of public benefits to the Aloha tower development project. [Eff 2/24/90; am 1/7/91; am and comp 10/10/98; comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-76 Utilities required to be underground.

(a) Public utility companies shall place utility lines underground within the district. The location

of all utility structures placed on pads shall be subject to the executive director's approval.

(b) The requirement in subsection (a) shall not apply to the following types of utility lines and related facilities if the executive director determines that said requirement would create undue hardship:

- (1) Overhead lines attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location of the building to another location on the same building or to an adjacent building without crossing any street or alley; and
- (2) Electric distribution or transmission system in excess of fifteen kilovolts supported on metal or concrete poles without crossarms.
[Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-77 Environmental standards. (a) No building wall shall contain a reflective surface for more than thirty per cent of that wall's surface area.

(b) Every use shall be so operated that it does not emit an obnoxious or dangerous degree of odor or fumes.

(c) Any provision in this chapter to the contrary notwithstanding, the rules of the state department of health shall continue to apply to all activities and properties within the makai area. These rules shall include, but not be limited to, department of health, chapter 11-43 relating to community noise control for Oahu, chapter 11-11 relating to sanitation, chapter 11-12 relating to housing, chapter 11-34 relating to poisons, chapter 11-39 relating to air-conditioning and ventilation, chapter 11-42 relating to vehicular noise control, chapter 11-55 relating to water pollution, chapter 11-57 relating to sewage treatment private wastewater

treatment works, chapter 11-58 relating to solid waste management control, chapter 11-59 relating to ambient air quality standards, and chapter 11-60 relating to air pollution. [Eff 2/24/90; am and comp 10/10/98; am 1/13/00; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-78 Temporary uses. Temporary structures, such as tents and booths, may be permitted in any zone for periods not exceeding fourteen days, provided that for good reasons, the executive director may grant extensions for an additional fourteen days. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-79 Conditional use of vacant land. The executive director may allow a conditional use of vacant land, provided:

- (1) The proposed use is any use permitted within the land use zone except:
 - (A) That open or uncovered temporary parking at grade may be permitted in all land use zones; and
 - (B) Construction sites, special trade construction and storage yards, and nonextensive yard uses may be permitted in all land use zones where a six-foot screening wall or fence is erected along all public rights-of-way;
- (2) The duration of the use is for a two-year period, provided that the executive director may issue extensions of up to two years if the development status of the area has not changed appreciably since the use was initially allowed;
- (3) The floor area of any proposed temporary structure does not exceed 0.5 floor area ratio;

- (4) The development conforms to the setback and landscape requirements of this chapter, except for development lots where a screening wall or fence not exceeding six feet in height is erected along all public rights-of-way;
- (5) The development conforms to the performance standards of this chapter;
- (6) In addition to the design controls listed in this section, the executive director may include additional conditions in the permit to ensure that the development does not adversely affect adjacent property and the appearance of the district. Conditional use of vacant land permits already issued under this section may be modified by the executive director at any time in response to valid public concern/complaint, to contain additional conditions for mitigation; and
- (7) The proposed uses in no way prevents or delays the future development of the property. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-80 Joint development of two or more adjacent zoning lots. (a) Whenever two or more lots are developed in accordance with the provisions of this section, they shall be considered and treated as one "development lot" for purposes of this chapter. The maximum building height and density shall be calculated on the basis of the combined land area of all lots being included in the joint development project. Should joint development involve mauka area and makai area lots, floor area and uses permissible in the mauka area shall not be transferred to the makai area.

(b) Owners, duly authorized agents of the owners, or duly authorized lessees, holding leases with a minimum of thirty years remaining in their terms, of adjacent lots, or lots directly facing each other but separated by a street, may apply for permission to undertake such a joint development to the authority or to the executive director, as the case may be.

(c) In applying for such permission, the landowners, duly authorized agents of the owners, or lessees shall submit an agreement which binds themselves and their successors in title, or lease individually and collectively, to maintain the pattern of development proposed in such a way that there will be conformity with applicable zoning rules. The right to enforce the agreement shall also be granted to the authority or executive director, as the case may be. The agreement shall be subject to the approval of the authority or executive director, as the case may be.

(d) If it is found that the area involved is compact, regular or logical, and that the proposed agreement assures future protection of the public interest and is consistent with the intent of the makai area plan, the request may be approved. Upon approval, the agreement, which shall be part of the conditions of development, shall be filed as a covenant running with the land with the bureau of conveyances or the assistant registrar of the land court. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-81 Flood hazard district. The applicable provisions of Article 7 of the land use ordinance relating to flood hazard districts shall apply to all affected activities and properties within the Kakaako district. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-82 REPEALED. [R 10/10/98]

§15-23-83 Applications. (a) Prior to submitting an application for a development permit, potential applicants may be required to have their projects reviewed by the executive director pursuant to section 15-23-10. The review shall be completed prior to applying for a development permit.

(b) A developer shall submit to the authority four copies of a project plan as a part of the application for the development permit. The project plan shall satisfy the stated purposes of the permit applied for.

(c) The project plan shall clearly indicate how the proposed development would satisfy the standards and purposes of this subchapter and the makai area plan. In addition to any other information which the applicant may deem necessary to support the application, the project plan shall include the following:

- (1) Location map showing the project in relation to the surrounding area;
- (2) Site plan showing:
 - (A) Property lines and easements with dimensions and area;
 - (B) The proposed building location, elevations, dimensions, sections, and floor plan and site sections to clearly define the character of the project;
 - (C) Location, elevations, and dimensions of existing buildings;
 - (D) Topographic information showing existing features and conditions and proposed grading; and
 - (E) Location and dimensions of existing and proposed easements, conduits, and rights-of-way;
- (3) A land use plan showing:
 - (A) The locations and uses of all buildings and structures, the general bulk and height of all buildings and their

- relationship to each other and to adjacent areas, the gross floor areas of buildings by type of uses, the ground coverage of all buildings, and the FAR of the project;
- (B) The locations and size of vehicular and pedestrian circulation systems (both exterior and interior), identification of public and private areas and their dimensions, the location and dimensions of off-street loading areas and the location of points of access to the site and to public transportation facilities;
 - (C) The locations and dimensions of parking areas, with calculations of the number of parking spaces;
 - (D) The location of land which is intended for common quasi-public, or amenity use but not proposed to be in public ownership, and proposed restrictions, agreements or other documents indicating the manner in which it will be held, owned, and maintained in perpetuity for the indicated purposes
 - (E) Landscaping plan; and
 - (F) Location and amount of all open space areas;
- (4) A detailed statement describing the manner in which the development would conform to the makai area plan and the purposes and standards of this chapter;
 - (5) A development program stating the sequence in which all structures, open and amenity spaces, and vehicular and pedestrian circulation systems are to be developed;
 - (6) The relationship, if any, of the development program to the authority's and city and county of Honolulu's capital improvements program;
 - (7) Traffic analysis;

- (8) If the project area is currently occupied by business uses, a relocation analysis shall be submitted including the following:
 - (A) A list of current residents and businesses, compiled by addresses or other locational description;
 - (B) Identification of property managers;
 - (C) The terms of the leases, including lease periods, lease rents, and expiration dates of leases; and
 - (D) The net floor area of each business, descriptions of the business activity, and special relocation needs, if any;
- (9) The applicant will certify that all tenants will be notified via certified mail of the effective date of lease termination at least sixty days before eviction; and
- (10) Any additional information which the executive director may request.
 - (d) The completed application shall be filed with the authority. Decisions for applications shall be made as follows:
 - (1) For a development not requiring a variance or modification, the authority, in the case of a development with an FAR in excess of 1.5, or the executive director in the case of a development with an FAR up to 1.5, shall within one hundred days of receipt of the completed application:
 - (A) Approve the application as submitted;
 - (B) Approve the application with adjustments or conditions; or
 - (C) Deny the application with reasons for denial.
 - (2) For a development requiring a variance or modification, the authority shall within sixty days of the order approving or disapproving the variance or modification:
 - (A) Approve the application as submitted;
 - (B) Approve the application with adjustments or conditions; or

(C) Deny application with reasons for denial.

The decision shall be made in writing and sent to the applicant.

(e) If a permit required by this chapter requires a public hearing, no request for postponement of the hearing shall be allowed after notice has been published; however, the applicant may withdraw the permit application. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-84 Determination by authority or executive director. In reaching its determination on an application for a development permit, the authority or executive director, as the case may be, shall consider the following:

- (1) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, and height, arrangement and design of structures;
- (2) Whether the open spaces
 - (A) Are of such size and location as to serve as convenient areas for recreation, relaxation, and social activities for the patrons of the development; and
 - (B) Are so planned, designed, and situated as to function as necessary physical and aesthetic open areas among and between individual structures and groups of structures;
- (3) Whether the setbacks, yards, pedestrianways, bikeways, and related walkways are so located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation, and necessary vehicular access;
- (4) Whether the vehicular circulation system, including access and off-street parking and loading, is so designed as to provide an

- efficient, safe, and convenient transportation system;
- (5) Whether the pedestrian circulation system:
 - (A) Is so located, designed, and of sufficient size as to conveniently handle pedestrian traffic efficiently and without congestion;
 - (B) Is separated, if necessary, from vehicular roadways so as to be safe, pleasing, and efficient for movement of pedestrians; and
 - (C) Provides efficient, convenient, and adequate linkages among open spaces, commercial and employment areas, and public facilities;
 - (6) The adequacy of landscaping, screening, parking, and loading areas, service areas, lighting and signs, with relation to the type of use and neighborhood;
 - (7) The appropriateness of the proposed mixtures of uses;
 - (8) The staging program and schedule of development;
 - (9) Relationship between structures and operations within structures;
 - (10) Whether views will be preserved or blocked;
 - (11) Surface treatment;
 - (12) Overall appearance of a development from the street and adjacent developments;
 - (13) Whether structures have an appropriate orientation to take advantage of winds, reduce direct sun exposure, and minimize shadow effect on adjacent buildings;
 - (14) Preservation of adjacent view corridors;
 - (15) Whether the facades of building are properly terraced, landscaped, and designed;
 - (16) Relationship between and among uses along the adjacent street;
 - (17) Development contribution to the attractiveness of the street-scape; and
 - (18) Any other matter relating to the development or its impact on affected properties or

public facilities. [Eff 2/24/90; am and
 comp 10/10/98; comp 2/2/02; comp 12/9/02; am
 and comp NOV 03 2005] (Auth: HRS
 §§206E-4, 206E-5, 206E-7) (Imp: HRS
 §§206E -4, 206E-5, 206E-7)

§15-23-85 Lapse of development permit. (a) Any development permit granted under the provisions of this chapter shall automatically lapse if the initial building permit authorizing the construction of the foundation or superstructure of the project has not been issued within two years from the date of granting the permit, or, if judicial proceedings to review the decision to make the grant is instituted, from the date of entry of the final order in such proceedings including all appeals.

(b) Should a development permit provide for phased construction, the phases shall be constructed in accordance with the time periods set forth therein; however, if no time is specified, the development permit shall lapse if the building permit for the subsequent phase shall not have been issued within one year of the issuance of the occupancy permit for the previous phase.

(c) The authority or executive director, as the case may be, may grant an extension to the effective period of a development permit approved by the same, not to exceed two years, upon the applicant's request and justification in writing for an extension, provided the request and justification are received by the authority or executive director at least one hundred days in advance of the automatic termination date of the development permit and there are no material changes in circumstances which may be cause for denial of the extension. A public hearing shall be held on an extension request if a public hearing was held on the development permit or any variance or modification granted as part of the development permit process. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth:

HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-86 Conditions. The authority or executive director, as the case may be, may attach to a development permit conditions which may concern any matter subject to regulation under this chapter, including, but not limited to, the following:

- (1) Minimizing any adverse impact of the development on other land, including the hours of use and operation and the type and intensity of activities which may be conducted;
- (2) Controlling the sequence of development, including when it must be commenced and completed;
- (3) Controlling the duration of use of development and the time within which any structures must be removed;
- (4) Assuring that development, including all street furniture located in yards and bus stop shelters, is maintained properly in the future;
- (5) Designating the exact location and nature of development;
- (6) Establishing more detailed records by submission of drawings, maps, plats or specifications;
- (7) Requiring provision by the developer of streets, other rights-of-way, pedestrianways, bikeways, utilities, parks, and other open space, all of a quality and quantity reasonably necessary for the proposed development;
- (8) Requiring the connection of such development to existing public service systems;
- (9) Requiring the applicant to demonstrate financial, organizational, and legal capacity to undertake the development that is proposed, and to offer written assurance of compliance with any representations made

by it as part of the application for the development permit and any conditions attached to the permit;

- (10) Requiring the applicant to submit periodic reports showing what progress has been made in complying with any of the conditions imposed;
- (11) Requiring the applicant to indicate the method of relocation of tenants and businesses; and
- (12) Requiring the applicant to indicate the method of handling safety and security concerns, including the lighting of building interiors, grounds, landscaping, parking areas, and exterior common areas.
 [Eff 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-87 Requirement of providing reserved housing units. (a) Every applicant for a development containing multi-family dwelling units on a development lot of at least 20,000 square feet shall provide at least twenty per cent of the total number of dwelling units in the development for sale or rental to qualified persons as determined by the authority.

(b) The units, hereinafter referred to as "reserved housing units", shall be sold or rented to persons qualifying under the terms and conditions set forth under subchapter 7 of chapter 15-22. The applicant shall execute agreements as are appropriate to complement this requirement, and the agreements shall be binding upon the applicant and the applicant's successors in interest, and shall run with the land. The agreement shall provide that the applicant must provide certification to the authority as to the compliance of the requirements herein.

(c) The reserved housing requirements shall be satisfied in accordance with section 15-22-115.

(d) No building permit shall be issued for any development until the authority has certified that the development complies with the requirements of this section. The authority may require guarantees, may enter into recorded agreements with developers and with purchasers and tenants of the reserved housing units, and may take other appropriate steps necessary to assure that these housing units are provided and that they are continuously occupied by qualified persons. When this has been assured to the satisfaction of the authority and it has determined that the proposed development meets the requirements and standards of this section, the authority shall certify the application approved as to the housing requirements of this section. [Eff and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-88 Modification of specific provisions.
As a part of the development permit review process, the authority may modify plan and rule requirements provided a public hearing is held. Except as otherwise specifically provided, modifications may be granted only to the following:

- (1) Building envelope requirements;
- (2) Yards;
- (3) Loading space;
- (4) Parking;
- (5) Number of reserved housing units and the cash-in-lieu of providing reserved housing units; and
- (6) Open space, as follows:
 - (A) Obstructions overhead that enhance utilization and activity within open spaces or do not adversely affect the perception of open space; and
 - (B) Height from sidewalk elevation of four feet may be exceeded at a maximum height-to-length of 1:12 if superior visual relief from building mass results. [Eff 10/10/98; comp 2/2/02;

comp 12/9/02; §15-23-87; am, ren, and
comp NOV 03 2005] (Auth: HRS
§§206E-4, 206E-5, 206E-7) (Imp: HRS
§§206E-4, 206E-5, 206E-7)

§15-23-89 Conditions for modification. (a) In order for the authority to consider modification of the zoning requirements listed in section 15-23-88, the applicant must demonstrate that:

- (1) The modification would provide flexibility and result in a development that is practically and aesthetically superior to that which could be accomplished with the rigid enforcement of this chapter;
- (2) The modification would not adversely affect adjacent developments or uses; and
- (3) The resulting development will be consistent with the intent of the makai area plan.

(b) The authority shall specify the particular evidence which supports the granting of a modification and may impose reasonable conditions in granting a modification. [Eff 10/10/98; comp 2/2/02; comp 12/9/02; §15-23-88; am, ren, and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§§15-23-90 to 15-23-107 (Reserved)

§§15-23-108 to 15-23-137 REPEALED. [R 10/10/98]

SUBCHAPTER 4

SPECIAL URBAN DESIGN RULES

§15-23-138 Statement of purposes. The purpose of this subchapter is to provide for a high quality of

urban design in the makai area with an emphasis on the pedestrian environment, and to promote a strong relationship between individual developments and the overall context. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-139 Applicability. This subchapter shall apply to any development located on any development lot within the makai area and constructed after October 10, 1998, except alterations to nonconforming structures, public improvements and conditional use of vacant land. . [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-140 Streetscapes. (a) A high priority is placed on the streetscape design in the makai area in order to promote an outstanding pedestrian environment with access to the waterfront, parks, and commercial developments.

(b) The placement and location of curb cuts for driveways and drop-off areas shall be regulated as follows in order to promote continuous sidewalks without breaks or interruptions.

- (1) No curb cuts or drop-off areas, except as needed to allow access for persons with disabilities, shall be permitted along Ala Moana Boulevard, and Ilalo Street between Ahui and Punchbowl Streets; and
- (2) Curb cuts and drop-off areas may be permitted in other areas if the executive director finds that the curb cut or drop-off area will not result in unreasonable conflict between pedestrian and vehicular circulation and will result in a good site plan.

(c) All new developments shall provide facilities for central trash storage within the development lot. Where trash storage facilities are provided outside of a building, the facilities shall be screened by an enclosure constructed of materials compatible with the materials of the front building wall of the development. In all cases, there shall be provided an area for central trash collection. Such area shall be ventilated.

(d) Street furniture shall be provided as follows:

- (1) Benches shall be provided for resting places along pedestrianways at appropriate locations. One eight-foot bench shall be located in an area receiving shade adjacent to or near a public sidewalk for every development project. Benches shall be positioned to serve general pedestrian traffic. Along Ilalo Street the number, type and location of benches shall be provided in accordance with specifications approved by the authority; and
- (2) Bus stop shelters shall be provided for bus commuters where bus stops are located and the design and specifications shall be subject to the review and approval of the executive director. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-141 Tower spacing and circulation.

(a) Spacing between building towers shall be based upon the tower location on the development lot and distances between neighboring towers. To the extent practicable, tower spacing shall be as follows:

- (1) At least two hundred feet between the long parallel sides of neighboring towers; and
- (2) At least one hundred fifty feet between the short side of towers.

(b) Building design and siting shall be such that shadow effects on neighboring buildings shall be minimized.

(c) Public or private mid-block pedestrian or bicycle circulation paths, or both, may be required to be created and maintained in conjunction with developments. The developer of a development may be required to dedicate to the authority a perpetual public easement for pedestrian-ways, the appropriate width and location to be as determined by the authority.

(d) The authority may approve the construction of upper-level pedestrian-ways, provided that:

- (1) Required approvals from appropriate governmental agencies are obtained;
- (2) The design of the pedestrianway provides a safe and efficient linkage to major destination areas, complements the design of adjoining structures and open spaces, incorporates directional aids, and minimizes adverse impacts on designated view corridors, the streetscape, and required yards and open space;
- (3) Assurances are provided for adequate maintenance, security and insurance, unless the pedestrianway is dedicated to and accepted by the city and county of Honolulu;
- (4) The pedestrianway shall function solely as a corridor for pedestrian movement and shall not be used to conduct business activity of any kind;
- (5) Adequate access is provided to and from the street level. In approving an upper-level pedestrianway, the authority may impose terms and conditions as it finds are reasonable and necessary to carry out the purpose and requirements of this chapter and the makai area plan; and
- (6) It can be demonstrated that the upper-level pedestrianway does not result in the reduction of ground-level commercial activity that would otherwise take place.

[Eff 2/24/90; am and comp 10/10/98; comp 2/2/02;
comp 12/9/02; am and comp NOV 03 2005 1
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp:
HRS §§206E-4, 206E-5, 206E-7)

§15-23-142 Landscaping. (a) The authority recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to establish an outstanding visual environment, to promote compatibility between land uses by reducing impacts of specific developments, and to enhance and define public and private spaces.

(b) All required yards shall be landscaped, except that front yards may be paved in accordance with specifications that are subject to review and approval by the executive director if ground floor windows are provided.

(c) Street trees shall be provided in accordance with specifications that are subject to review and approval by the executive director. Unless otherwise approved by the executive director, street trees shall be planted adjacent to the curb, forty feet on center or closer, and be a minimum of 4.5 inch caliper, except coconut palms, which shall be a minimum of fifteen feet tall, as follows:

<u>Street</u>	<u>Botanical Name</u>	<u>Common Name</u>
Ala Moana Boulevard	Cocos Nuciferas	Coconut Palm
Cooke	Cordia Subcordata	True Kou
Coral	Cordia Subcordata	True Kou
Ilalo	Samanea Saman	Monkey Pod
Kéawe	Cordia Subcordata	True Kou
Koula	Cordia Subcordata	True Kou
Ohe	Cordia Subcordata	True Kou
Olomehani	Cordia Subcordata	True Kou
Punchbowl	Cordia Subcordata	True Kou
South	Cordia Subcordata	True Kou

(d) The planting, removal, and maintenance of street trees within the public right-of-way fronting any development lot shall be subject to the approval of the department of parks and recreation, city and county of Honolulu.

(e) The planting, removal, and maintenance of trees within the front yard setback area of any development lot or nonconforming property shall be subject to the approval of the executive director. Any tree six inches or greater in trunk diameter shall not be removed except under the following conditions:

- (1) There are no alternatives to removal to achieve appropriate development on the site;
- (2) The tree is a hazard to public safety or welfare;
- (3) The tree is dead, diseased, or otherwise irretrievably damaged; or

- (4) The applicant can demonstrate that the tree is unnecessary due to overcrowding of vegetation.

Where possible, trees proposed for removal shall be relocated to another area of the project site. No person shall injure or destroy any tree in any manner or by any means. Property owners shall be responsible for ensuring that all trees within the front yard setback area are properly maintained and do not cause any hazard to public safety or welfare.

(f) Street tree species and location shall be subject to the approval of the executive director in consultation with the director of parks and recreation, city and county of Honolulu.

(g) Planting strips, if provided between the curb and sidewalk, shall be landscaped and provided with an irrigation system. Planting in these areas, except trees, shall not exceed thirty inches in height and shall be grass only where adjacent curbside parking is permitted.

(h) Sidewalk materials shall conform to the city and county of Honolulu standards for a minimum of seventy-five per cent of the required sidewalk area. The total sidewalk pattern and the material of the twenty-five per cent area shall be subject to the approval of the executive director. The executive director, in consultation with the chief engineer of the department of public works, city and county of Honolulu, may allow exceptions to the city and county standard paving.

(i) Street planters used for the purpose of holding plant materials, whether portable or permanently fixed, shall be provided by property owners within their property lines. Planters shall be located along major streets where sidewalks are greater than eight feet wide.

(j) Within private open space areas visible from street frontages, trees, shrubs, ground cover plant material are required.

(k) If there is any change in elevation from the sidewalk to the grade level private open space area, such change shall be no greater than four feet.

(l) Parking areas, open storage areas, and work areas provided at ground level facing the street shall be screened with plant material or other architectural treatment.

(m) All rooftop mechanical appurtenances, stairwells and elevator enclosures, ventilators, and air-conditioning equipment shall be screened from view by architectural or landscape treatments. [Eff 2/24/90; am and comp 10/10/98; am 1/13/00; comp 2/2/02; am and comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-143 Modification of urban design requirements. The authority or executive director, as the case may be, may allow modifications to the requirements of this subchapter. Modifications will be allowed if a finding is made that the modifications will enhance the design and quality of the development, or will not adversely affect the overall intent of this chapter and the makai area plan. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§§15-23-144 to 15-23-157 (Reserved)

SUBCHAPTER 5

HISTORIC AND CULTURAL SITES

§15-23-158 Statement of purposes. The purpose of this subchapter is to preserve, protect, reconstruct, rehabilitate and restore properties situated in the district that are determined by the authority to be historic and culturally significant. [Eff 2/24/90; comp 10/10/98; comp 2/2/02;

comp 12/9/02; comp NOV 0 3 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-159 Historic or culturally significant property defined. The term, "property", as used in this subchapter, includes a site, location, facility, building, structure, setting or object. "Historic or culturally significant property" means any property that is:

- (1) Listed on the Hawaii or national register of historic places; or
- (2) Designated in the makai area plan as being: significant in the history or prehistory, architecture, culture, or development of Kakaako; a tangible, historic or cultural linkage between Kakaako of the past and Kakaako of the present; and capable of productive use to the extent that its owner is able to earn a reasonable return. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 0 3 2005] (Auth: HRS §§206E-7, 206E-33) (Imp: HRS §§206E-7, 206E-33)

§15-23-160 Designation. Properties deemed historic or culturally significant by the authority are so designated in the makai area plan. In addition to the properties determined to be significant and listed on the makai area plan, other properties may be considered for designation by the authority. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 0 3 2005] (Auth: HRS §§206E-7, 206E-33) (Imp: HRS §§206E-7, 206E-33)

§15-23-161 Procedure for designation. (a) Any person, including a governmental agency, or the authority on its own initiative, may nominate any property for designation on the makai area plan as an

historic or culturally significant property by the rule-making procedures set forth in the authority's rules of practice and procedure.

(b) In addition to the general rule-making petition requirements, each nomination shall contain the following information:

- (1) The name of the property nominated for designation;
- (2) The tax map key identification of the property and name or names of the owner or owners of the property;
- (3) A description of the property and how it qualifies for designation under section 15-23-160; and
- (4) A statement of the property's historic or cultural significance. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 0 3 2005] (Auth: HRS §§206E-7, 206E-33, 916) (Imp: HRS §§206E-7, 206E-33, 916)

§15-23-162 Uses. A property designated historic or culturally significant may be put to any use permitted in the land use zone in which the property is situated, subject to the requirements of section 15-23-164. Setback requirements shall not be enforced as to any lot on which an historic or culturally significant property is situated where the enforcement would result in damage to or destruction of the historic or culturally significant features of the property. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 0 3 2005] (Auth: HRS §§206E-7, 206E-33) (Imp: HRS §§206E-7, 206E-33)

§15-23-163 Protective maintenance. All historic or culturally significant properties designated by the authority on the makai area plan shall be properly maintained and kept in good repair. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02;

comp NOV 03 2005] (Auth: HRS §§206E-7, 206E-33)
(Imp: HRS §§206E-7, 206E-33)

§15-23-164 Certificate of appropriateness. (a)
No permit shall be issued by the city and county of Honolulu for demolition, construction, alteration, repair or improvement which will affect any historic or culturally significant property, except after the issuance by the authority of a certificate of appropriateness.

(b) A developer, owner, or lessee of a historic or culturally significant property shall file with the executive director an application for a certificate of appropriateness for any proposed demolition, construction, alteration, repair, or improvement which will affect such historic or culturally significant property. The application shall be accompanied by supporting data and documents, including, as appropriate, the following:

- (1) A description of the historic or culturally significant property affected by the proposed project;
- (2) An area site plan indicating the location and nature of the project site improvements and site relationship to surrounding improvements;
- (3) Data on size, appearance, and form with sketches and perspectives of the building or structure proposed to be constructed, repaired or improved; and
- (4) Plans, elevations, and sections that fix and describe the project as to architectural character, and an outline specification setting forth exterior finishes and colors.

(c) The executive director shall evaluate the project and, within thirty days after submittal of the completed application for a certificate of appropriateness, determine whether the project is significant or nonsignificant, as defined below.

(d) If the executive director finds the project to be nonsignificant, a certificate of appropriateness

shall be issued. A project is deemed to be nonsignificant where it consists of alterations, repairs, or improvements which do not involve a change in design, material, character, or outer appearance of the affected property or a change in those characteristics which qualified the property for designation as an historic or culturally significant property.

(e) If the executive director finds the project to be significant, the executive director shall, within thirty days of such determination, prepare a summary report on the project, including an analysis of the data and documents supplied with the application for the certificate of appropriateness, and submit the report to the authority, together with a recommendation.

(f) Within one hundred days after receipt of the executive director's report, the authority shall either approve the proposed action in whole or in part, with or without modification or conditions, and issue a certificate of appropriateness or disapprove the proposed action. Before acting on the application, the authority shall hold a public hearing thereon. At the public hearing the applicant and other interested persons shall be given a reasonable opportunity to be heard. If the affected property is on the Hawaii or national register of historic places, the authority shall notify the state department of land and natural resources of its decision.

(g) The authority shall grant the application for a certificate of appropriateness if:

- (1) The proposed action will not unduly hinder the protection, enhancement, presentation, perpetuation and use of the property in its historic or culturally significant state; or
- (2) The property as it exists is no longer suitable to past or present purposes or is totally inadequate for the owner's or lessee's legitimate needs; or
- (3) The owner or lessee is unable to earn a reasonable return unless the proposed project is undertaken.

(h) Whenever an applicant for a certificate of appropriateness makes a showing that the property as it exists is totally inadequate for the owner's or lessee's legitimate needs or that the owner or lessee is unable to earn a reasonable return unless the project is undertaken, the authority may develop and propose alternatives to the proposed project that will enable the owner or lessee to put his property to reasonable use or to earn a reasonable return. Such alternatives may include a sale of the property to a buyer or lessee who will utilize the property without the action proposed by the applicant; it may also include partial or complete tax exemption, governmental grants-in-aid and other financial and technical assistance. The owner or lessee may accept or reject any alternative proposed by the authority.

(i) If the owner or lessee rejects all alternatives proposed by the authority, the authority may elect to acquire the property by eminent domain, in which case, action to condemn the property shall be commenced within ninety days of said rejection. If on the other hand the owner or lessee rejects the alternatives proposed by the authority, and the authority determines not to acquire the property by eminent domain, the authority shall issue a certificate of appropriateness to the applicant. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-7, 206E-33) (Imp: HRS §§206E-7, 206E-33)

§§15-23-165 to 15-23-177 (Reserved)

SUBCHAPTER 6

MASTER PLAN RULES

§15-23-178 Purpose and intent. Rules relating to master plans contained within the mauka area rules are incorporated herein by reference with the

exception that hotel uses will not be permitted and that floor area and uses permissible in the mauka area will not be transferred to the makai area. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-7, 206E-33)

§§15-23-179 to 15-23-191 (Reserved)

SUBCHAPTER 7

RULES REVIEW AND AMENDMENT

§15-23-192 Rules review and amendment. The makai area rules may be reviewed and amended in accordance with the authority's rules of practice and procedure. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §206E-5) (Imp: HRS §206E-5)

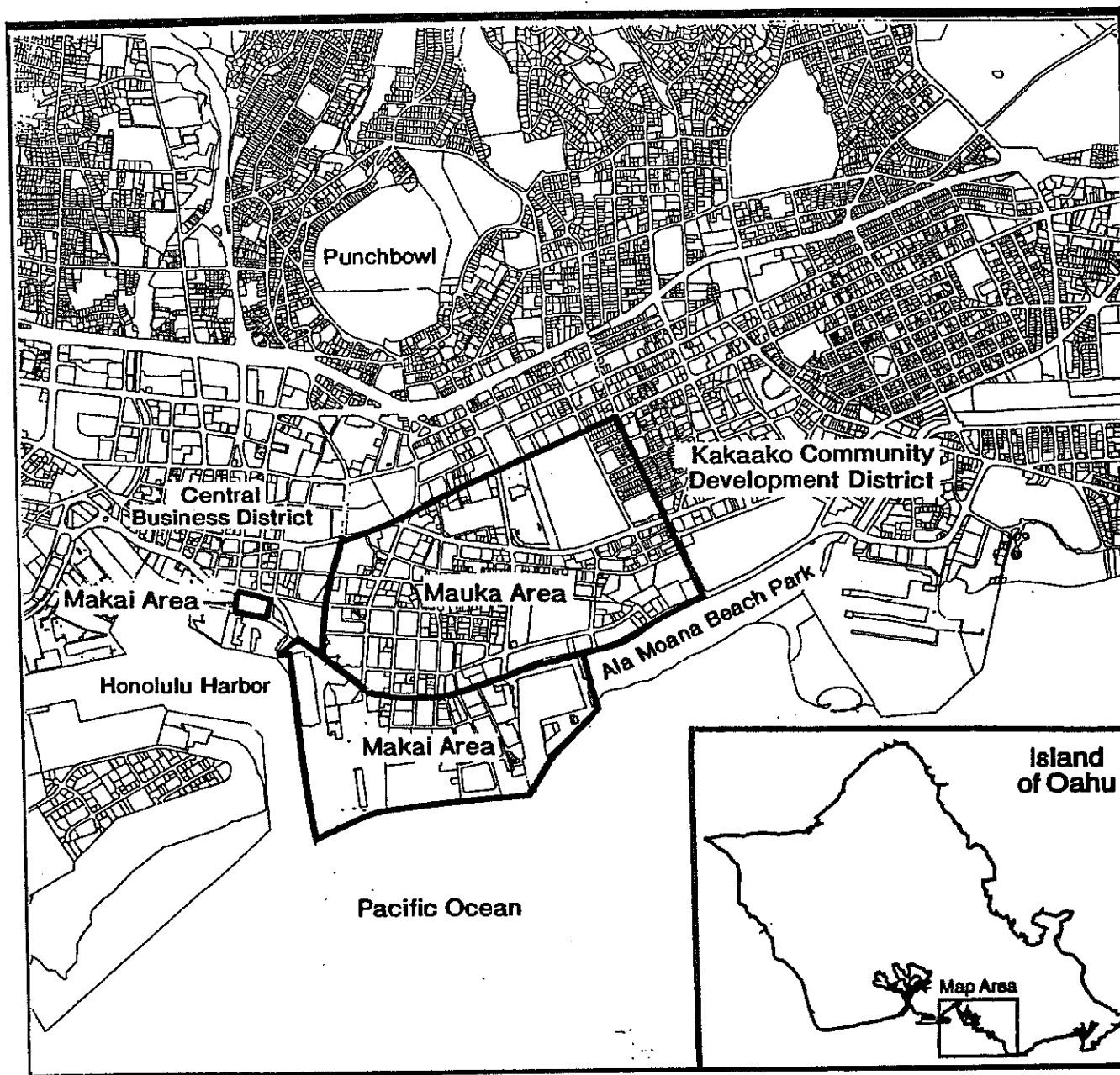
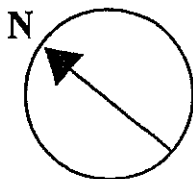


Exhibit 1
Makai Area Context Plan



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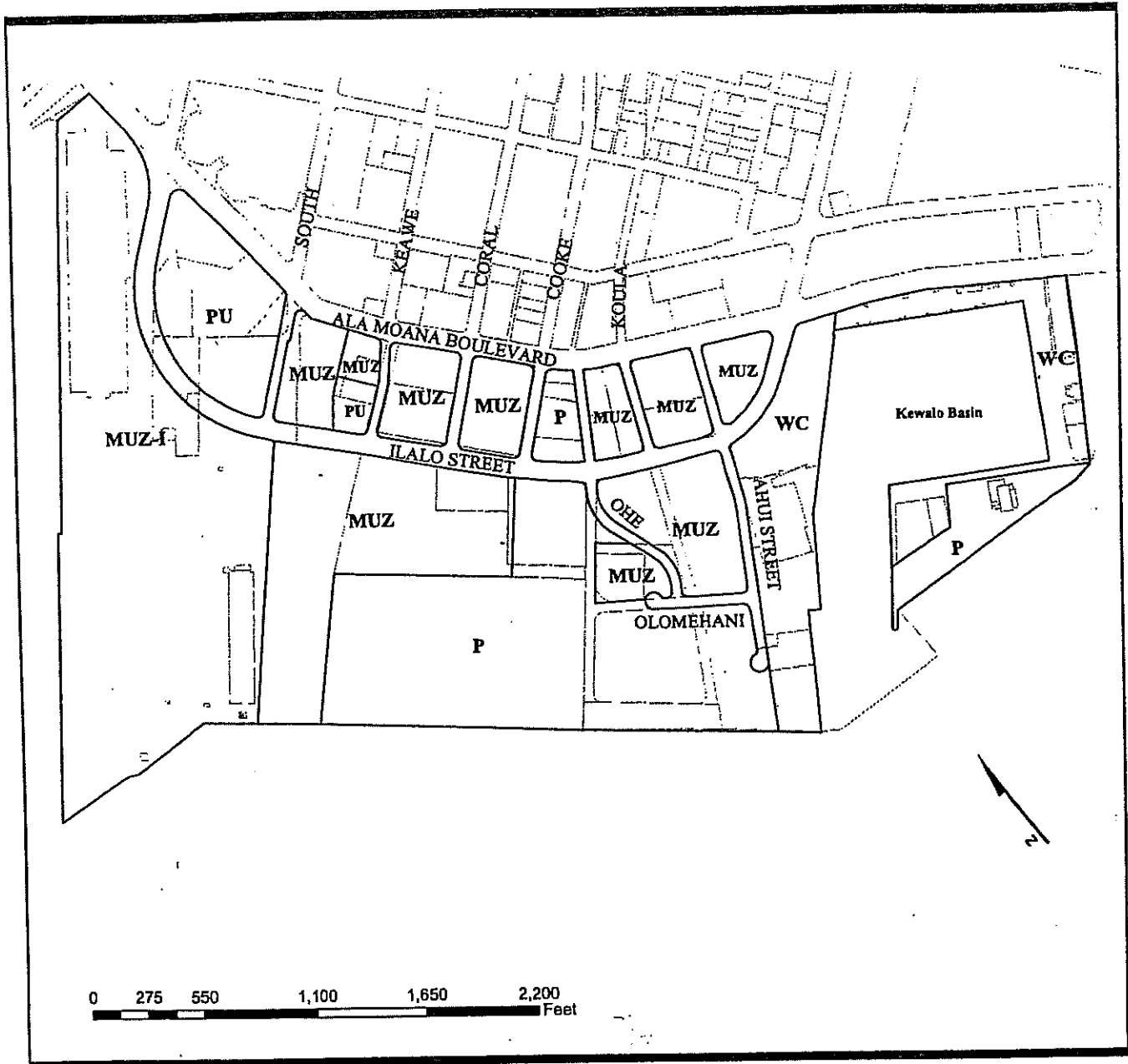


Exhibit 2
Land Use Zones

LEGEND:

- MUZ** Mixed-Use Zone
- MUZ-I** Mixed-Use Zone - Industrial
- WC** Waterfront Commercial
- PU** Public
- P** Park

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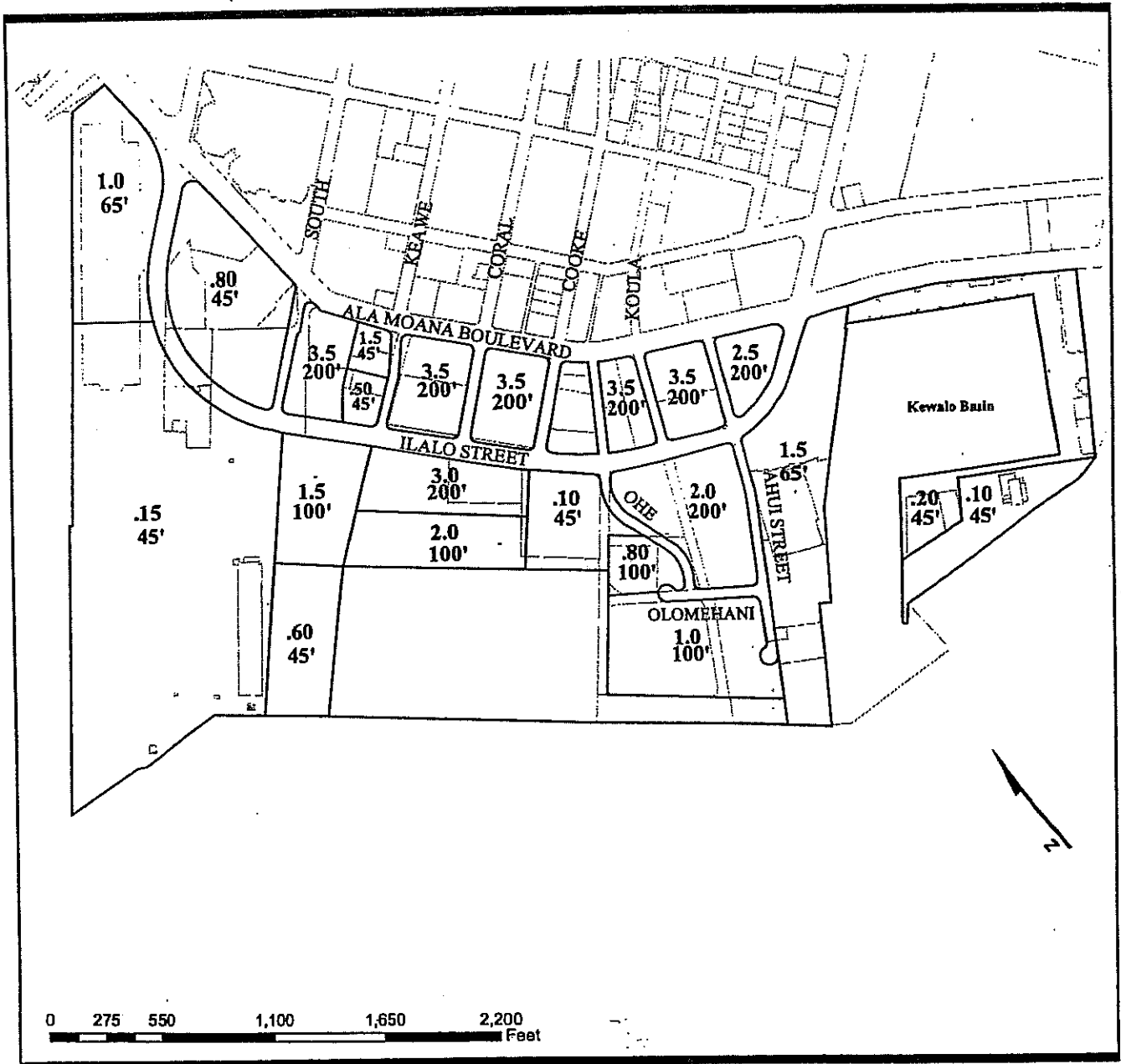


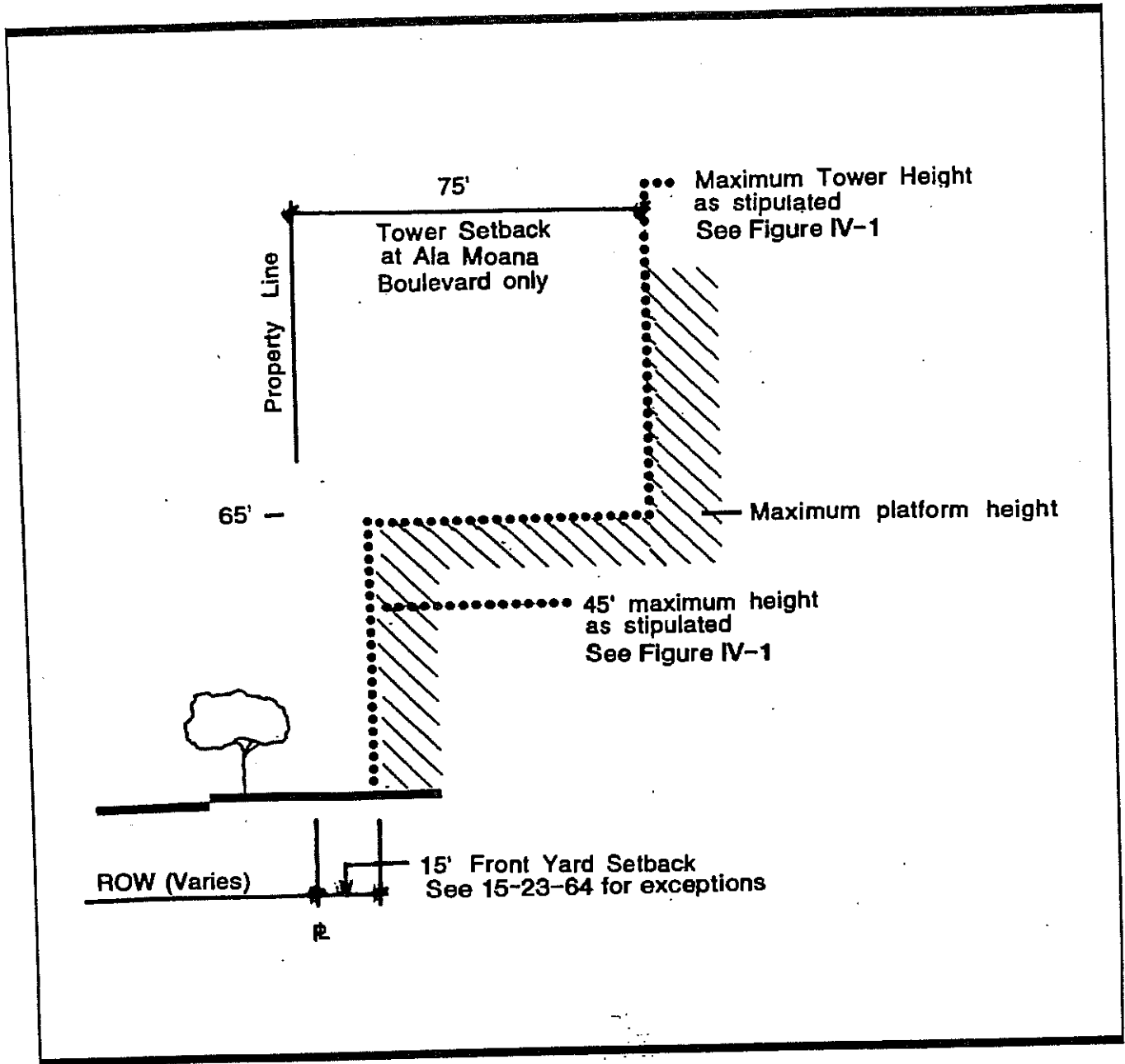
Exhibit 3
Maximum Height and Density Plan

LEGEND:

200' Indicates Maximum Allowable Height

3.5 Indicates Maximum FAR

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Not to Scale

Exhibit 4
Maximum Building Envelope

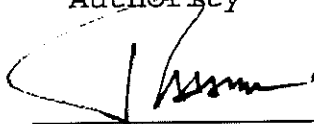
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Amendments to and compilation of chapter 23, title 15, Hawaii Administrative Rules, on the Summary Page dated September 7, 2005 were adopted on September 7, 2005 following a public hearing held on September 7, 2005, after public notice was given in the Honolulu Star-Bulletin, The Maui News, West Hawaii Today, Hawaii-Tribune Herald, The Garden Isle on August 8, 2005.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

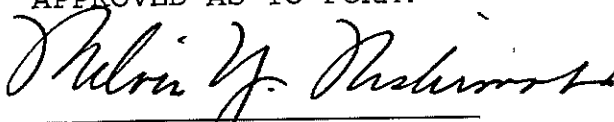


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APPROVED AS TO FORM:



DEPUTY ATTORNEY GENERAL



LINDA LINGLE
Governor
State of Hawaii

Date: OCT 24 2005

Filed

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KAKA'AKO MAKAI

ADDITIONAL STUDIES

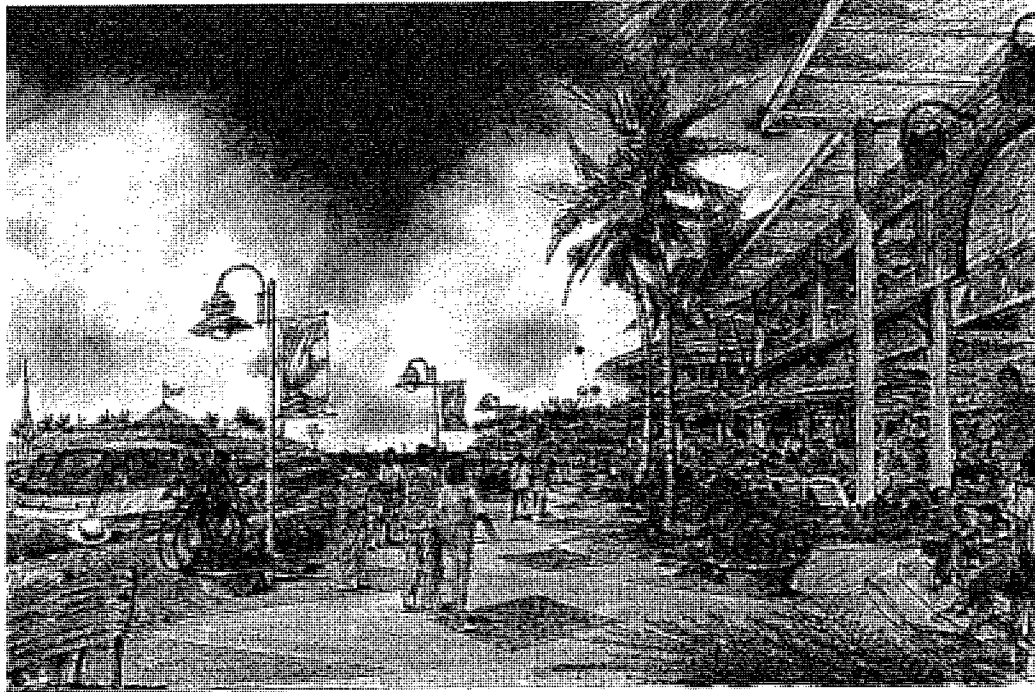
6. Kaka'ako Community Development District
Makai Area Plan (HCDA, Oct. 2005)



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COLLABORATIVE

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Kakaako Community Development District
Makai Area Plan



Prepared by:
Hawaii Community Development Authority

October 2005



Kakaako Community Development District
Makai Area Plan



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1.0 INTRODUCTION

The area commonly known as Kakaako occupies a very prominent location in the center of urban Honolulu, lying strategically between the downtown area, the densely populated Makiki district, Waikiki and Honolulu Harbor (*Figure I-1*). Despite its prime location and its economic importance to the State of Hawaii, Kakaako remains relatively underdeveloped, with aging streets, utility systems and buildings.

Recognizing Kakaako for what it is today, and what it could be in the future, the State Legislature created the Hawaii Community Development Authority (HCDA) in 1976. As codified in Chapter 206E, Hawaii Revised Statutes, the Legislature found the need for a mechanism or methods that could initiate and guide the timely revitalization of underdeveloped urban communities in the State. The Legislature named Kakaako as HCDA's first Community Development District.

In 1982, the Legislature amended the Kakaako Community Development District boundaries to include a portion of the Kakaako Peninsula, makai of Ala Moana Boulevard. This area, which is referred to as the Makai Area, was assigned to HCDA for planning and redevelopment and has the unique distinction of being primarily public land. Over the past decade the designated boundaries of the Makai Area have been modified several times and plans have been adjusted accordingly.

The major change that continues to guide development in this area today occurred in 1987 when the State, under the auspices of the Governor's Office of State Planning, launched a major "waterfront reawakening" effort. This effort resulted in the publication in 1989 of the Honolulu Waterfront Master Plan, a comprehensive, long-range development program for the revitalization of the Honolulu urban waterfront, a six-mile coastal stretch extending from Honolulu International Airport to the Ala Wai Small Boat Harbor on the outskirts of Waikiki. The redevelopment of the Makai Area was viewed as an integral part of the State's waterfront revitalization program.

The Makai Area extends from Kewalo Basin to Honolulu Harbor and to the ocean. Also included is the parcel bounded by Nimitz Highway, Bishop and Richards Streets, and Aloha Tower Drive. The majority of the Makai Area was used for bulk loading maritime and light industrial warehouse use, and was recognized in the Waterfront Master Plan as having immense potential for both commercial development and public waterfront access. The master plan proposed an extensive program of parks, waterways, and other public amenities to be funded largely from revenues derived from the on-site development of 7.5 million square feet of commercial space. This vision was subsequently incorporated into HCDA's 1990 Makai Area Plan and Rules.

In 1994, HCDA embarked on a comprehensive revision of its development strategy for the Makai Area in response to changes in the State's economy and a reassessment of land uses, urban design and transportation systems in the area. Since that time, additional studies have been conducted to fine-tune the proposed Plan. Overall, there was the desire to carefully balance public costs with revenues from private development and, at the same time, to create a more lively urban environment and improve vehicular and pedestrian flow through the area. Some of the major components of the 1990 Makai Area Plan, such as the system of inland waterways, beach park, and large amphitheater, were reevaluated and deleted from the Plan. Similarly, the market for commercial development was revisited and new conclusions were drawn. These revised concepts are the basis for the Makai Area Plan.

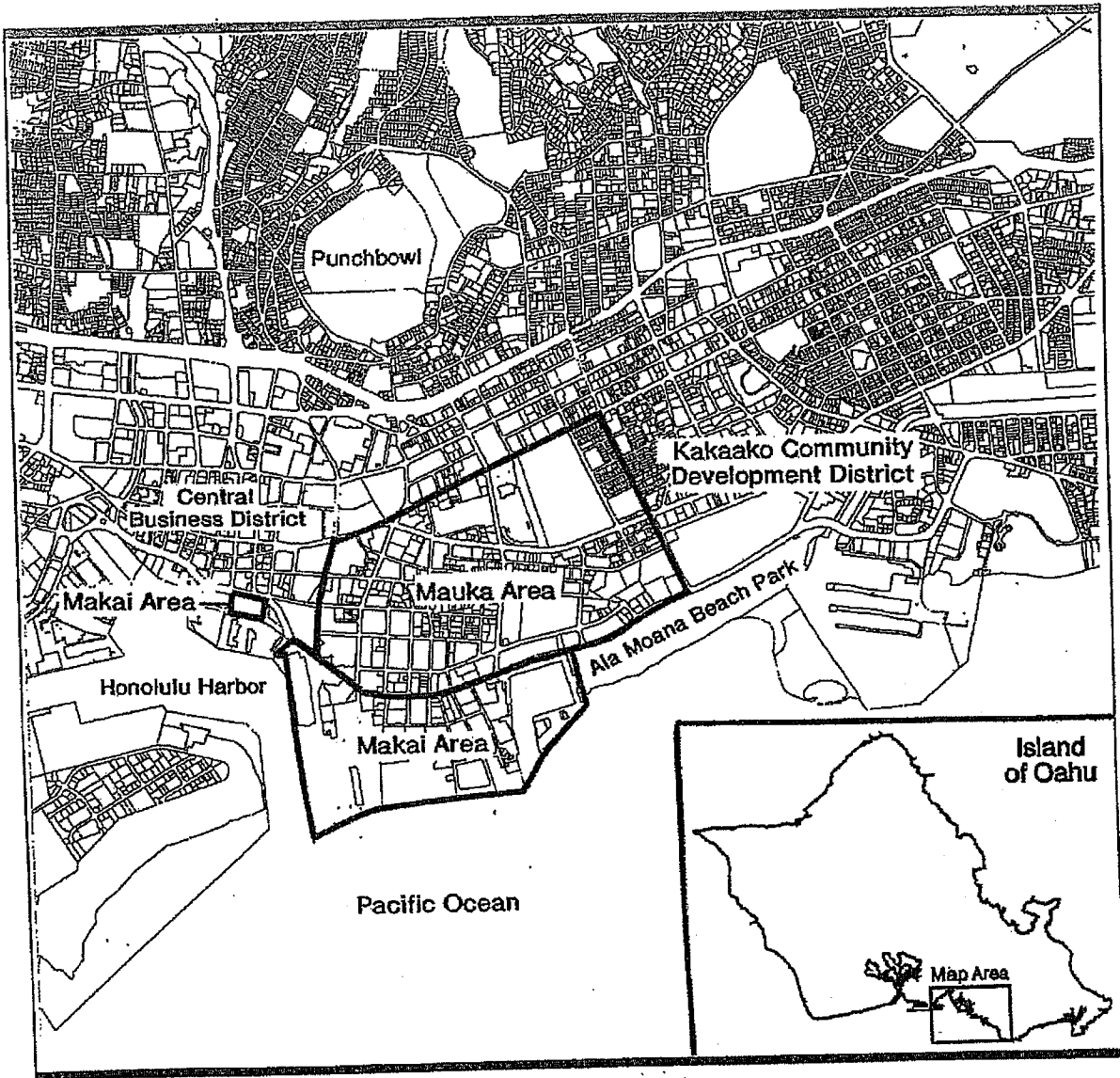
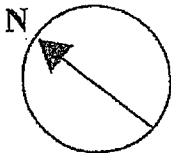


Figure I-1
Makai Area Context Plan



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The Makai Area offers a dramatic location, proximity to downtown, and a substantial amount of land under State control. The Makai Area Plan describes how these advantages can contribute to the larger goal of diversifying Hawaii's economy, and still serve as the people-oriented place envisioned in 1989.

1.1 Makai Area History and Existing Conditions

Throughout Hawaiian history, the part of Honolulu called Kakaako provided resources for a variety of uses. Although its history includes a record of flooding, through progressive landfilling and improvements over the span of two centuries, the district has endured, as well as grown.

Honolulu harbor originally consisted of a small reefed basin, and the shoreline in what is now Kakaako was approximately where Auahi Street is today. What is now known as the Kakaako Peninsula was a shallow reef area. The fast land was characterized as a marsh and was used for the collection of thatch.

Prior to western contact, native Hawaiians were unconcerned with developing the natural harbor because the shallow waters did not affect canoe transport. However, after 1819 the market was open for sandalwood and the need for mooring led to the first man-made reconfiguration of the harbor. Following the exhaustion of the sandalwood trade, the Hawaiian mercantile system shifted to the whaling industry. From 1843 - 1860, the whaling industry was at its peak and the need for more harbor space developed. Harbor modifications began in 1848 in what is now the downtown area.

These modifications greatly affected Kakaako and highlights of the changes are as follows:

- 1900 - Piers 1 and 2 are documented as in use and the Ala Moana area was converted into a dump site. The Ala Moana Sewage Pump Station, designed by O. G. Traphagen, is constructed.
- 1920 - A concrete wharf is built at Pier 2.
- 1921 - Kewalo Basin is established as a dock facility for lumber schooners but, as the industry fades, the newly developing fishing industry takes over.
- 1928 - A permit is issued to dredge a channel from Kewalo to Waikiki.
- 1934 - The U. S. Immigration Administration Building near Fort Armstrong designed by C. W. Dickey and Herbert Cayton is completed.
- 1947 - By 1947, approximately 110 acres of the Kakaako peninsula have been filled with coral landfill.
- 1948 - A seawall is built 500 feet out from and parallel to the shoreline, and runs from the edge of Kewalo Channel, parallel to the coast to Fort Armstrong. This wall defines the edge of the landfill.

1977 - The refuse landfill site is closed permanently.

One of the first major economic successes in the area was the Honolulu Iron Works, begun in 1853 by David M. Weston, one of the first industrialists to foresee the benefits of a sugar mill, metal and machine shop in growing Honolulu. Other facilities, such as the Leper Hospital at Fisherman's Point, developed along with a growing residential community. The early 1900s shantytown of immigrant laborers continued to grow, eventually reaching about 5,000 people by 1940. The post-World War II era changed the area from a residential to a commercial and industrial district, transforming the character of Kakaako to industrial and service industries. Since the early 1980's, portions of Kakaako has increasingly transformed into a dynamic urban community that accommodates a mix of commercial, residential and industrial uses. In addition, open space and parks have been provided to enhance recreational opportunities in the urban core.

1.2 The Physical Environment

1.2.1 Climate

The climate of the Makai Area, similar to that of other coastal areas in Honolulu, is characterized by abundant sunshine, persistent trade winds, relatively constant temperatures, and moderate humidity. The mean temperature in Honolulu ranges from 73 degrees Fahrenheit (°F) in winter to 81° F in the summer. The mean annual rainfall is approximately 23 inches with most of the rainfall occurring between the months of November and April. Relative humidity ranges between 56 and 72 percent. Cooling trade winds from the northeast prevail throughout most of the year; occasionally Kona winds from the southwest bring warm, humid air.

1.2.2 Geography, Soils and Topography

The Kakaako Peninsula lies on the Honolulu coastal plain, an emerged fossil reef formed approximately 120,000 years ago (MacDonald and Abbott, 1970). The Makai Area is underlain by a coral layer between 5 and 20 feet below mean sea level (*Figure I-2*). Soft lagoonal deposits made of sand, silt, and clay are found above the ancient reef, mainly in a buried stream channel which extends below Ala Moana Boulevard between Keawe and Ohe Streets to the ocean. Soft alluvial soils within the channel area extend to depths of 50 to 65 feet below sea level. These deposits are covered by 5 to 10 feet of dredged coral fill.

The substrata conditions of the Makai Area, as shown in *Figure I-3*, are rated "average" for development purposes in all areas except in the general area of the buried stream channel where the substrate condition is "poor." The terrain of the Makai Area is generally at an elevation of 14 feet above mean sea level and flat, except for the debris mound formed between 1927 and 1977. Originally rising 15 to 55 feet above sea level, the 1,700 feet x 400 feet mound was resculptured in

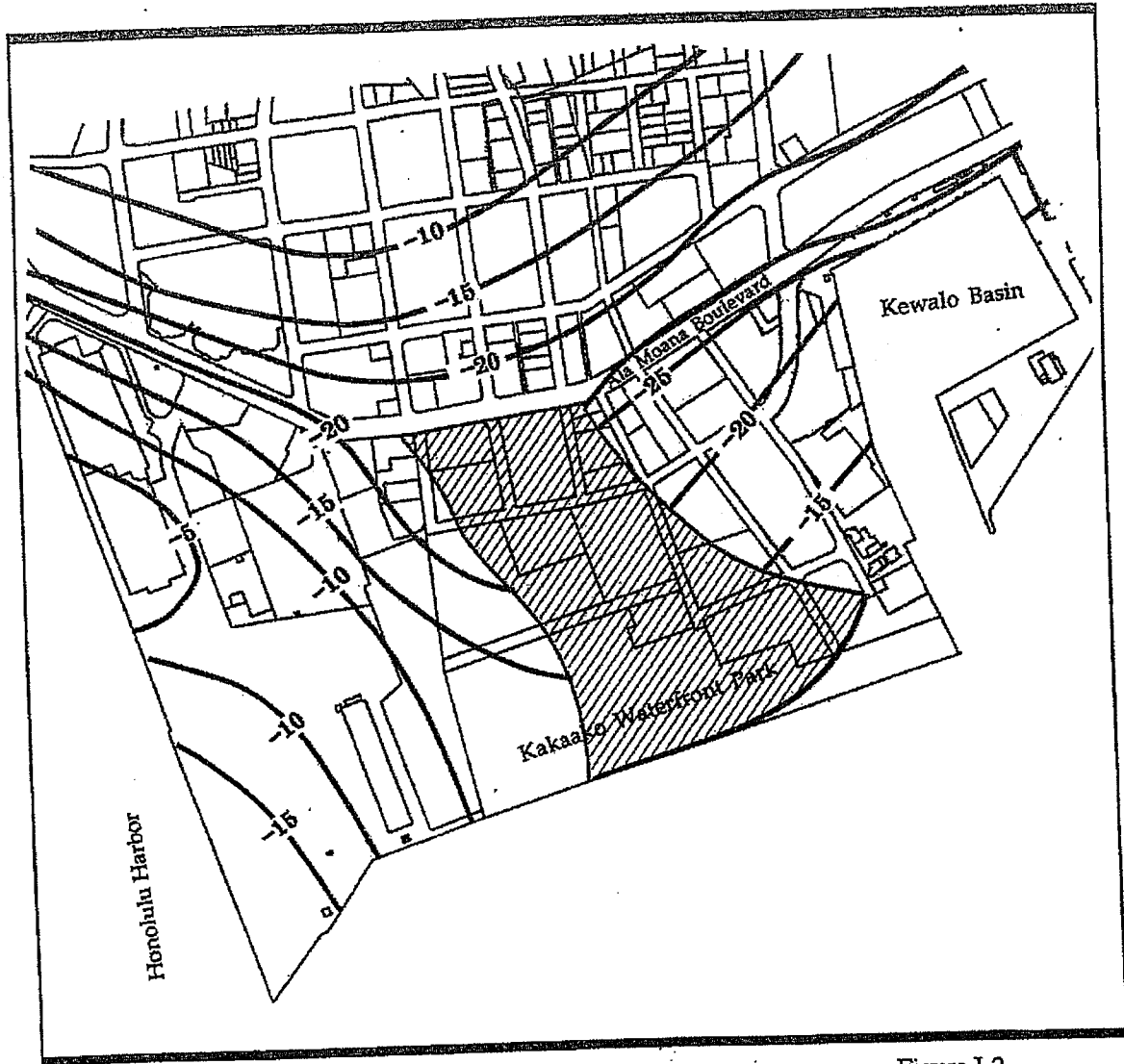
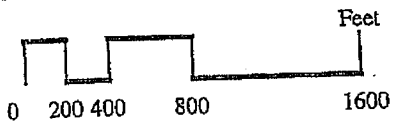

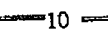
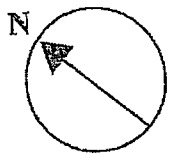


Figure I-2
Coral Subsurface Condition



Legend

-  Alluvial Channel
-  Contours of Coral Surface



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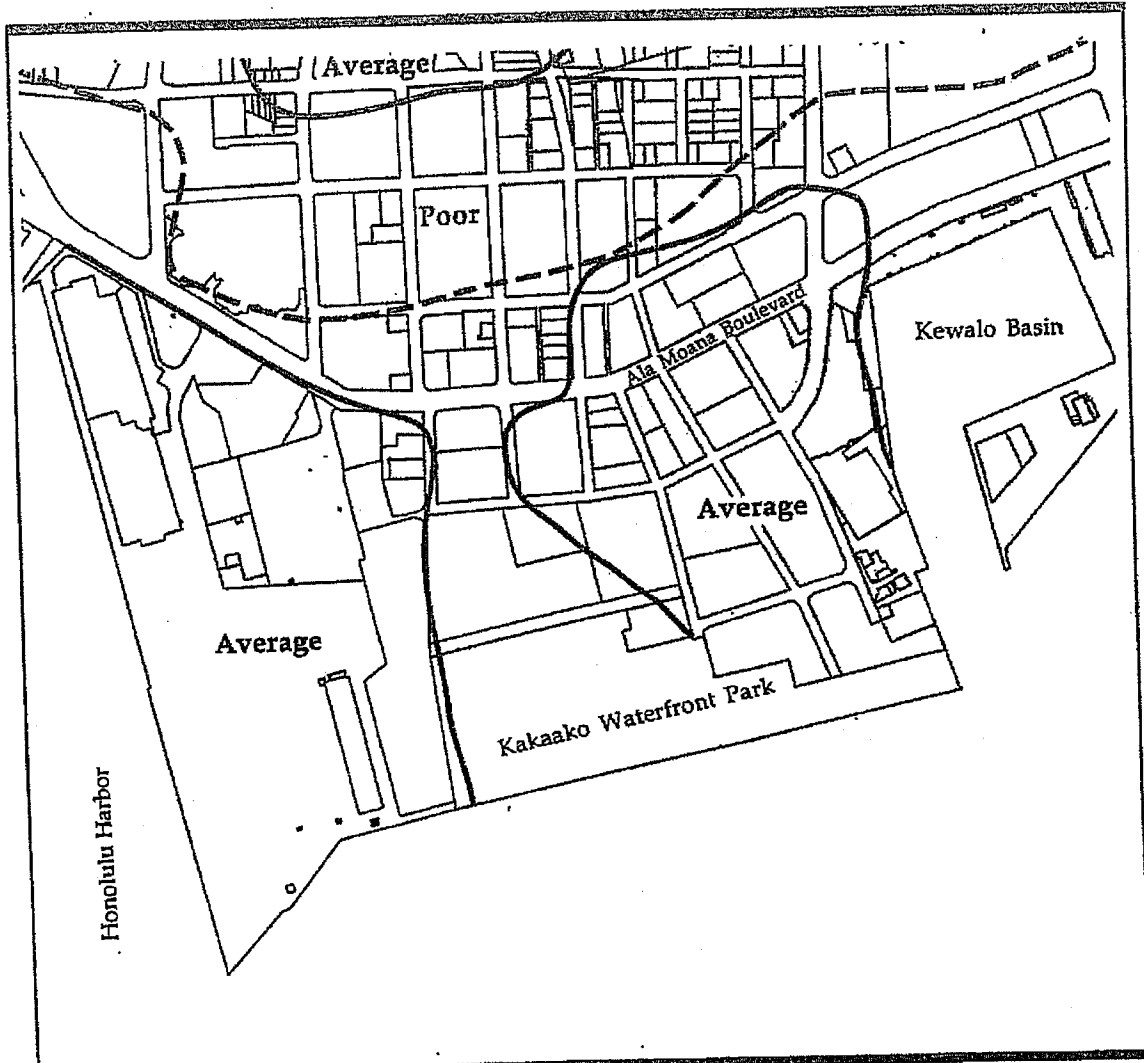
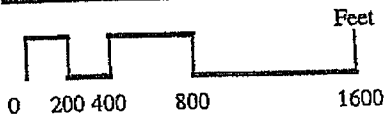
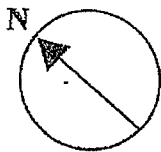


Figure I-3
Substrata Condition



Legend

--- Limits of Former Shoreline



Source: Kakaako Community Development District
Plan, 1981

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conjunction with Phase I of the Kakaako Waterfront Park, and has become one of its most prominent features. The highest point is currently 53 feet above mean sea level.

1.2.3 Hydrology and Drainage

Southern Oahu's coastal plain, which includes the Kakaako Peninsula, is underlain by sedimentary deposits that form a caprock which retards the seaward movement of fresh ground water from the basal aquifer. The caprock extends along the coastline about 800 to 900 feet below sea level.

Urbanization of the Kakaako District has increased runoff to the nearshore coastal waters. Although roadway and drainage improvements have been undertaken, much of Kakaako is still subject to localized flooding due to flat topography and inadequate drainage facilities. The runoff from the Makai Area flows into the ocean via the Keawe Street open channel, Kewalo Basin and Honolulu Harbor. The Keawe Street open channel is lined and is approximately 30 feet wide, 15 feet deep and 650 feet long, and is located between the Foreign Trade Zone and the Kakaako Waterfront Park. *Figure I-4* shows flood zones in the Makai Area.

1.2.4 Solar Orientation and Prevailing Winds

In Kakaako, the streets are generally oriented southeast to northwest (Ewa-Diamond Head) and southwest to northeast (mauka-makai) (*Figure I-5*). Prevailing winds are from the northeast and are illustrated in relationship to the street grid.

1.2.5 Offshore Conditions

The south shore of Oahu is sheltered from the predominant northeast tradewind-generated waves as well as the winter North Pacific swell. Wave activity at the shore is relatively mild, except during the summer months when southern swell can produce moderately high surf conditions. The south shore is also exposed to infrequent Kona storms and hurricane waves approaching from the southeast through southwest directions. Shallow fringing reefs once protected the natural shoreline from deepwater wave energy. However, the present shoreline has been created by filling seaward over the shallow reefs, requiring shore protection measures to stabilize the existing shoreline.

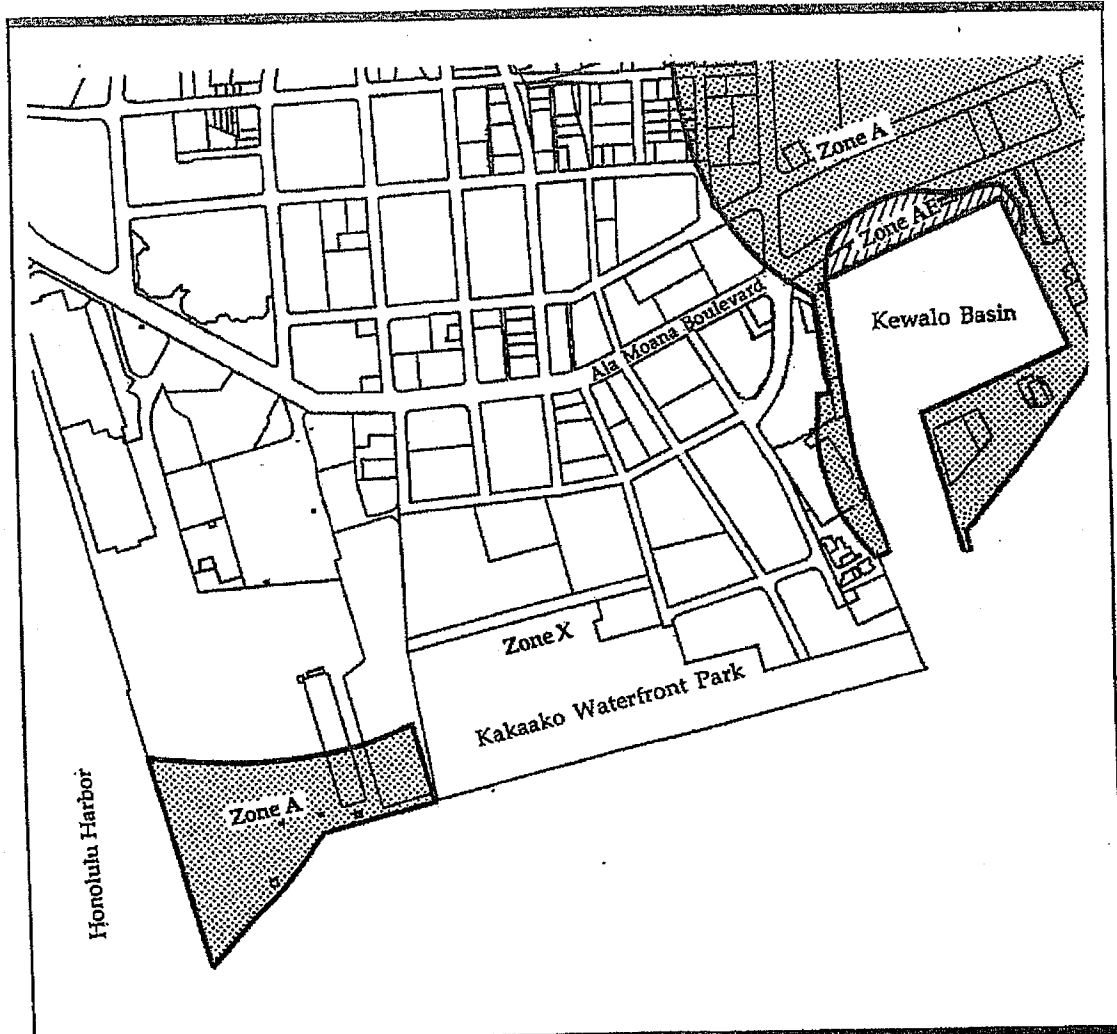
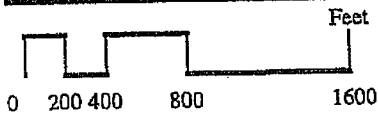


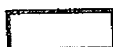


Figure I-4
Flood Hazard Map



Legend

-  Zone A - No Base Flood Elevations Determined
-  Zone AE - Base Flood Elevations Determined (EI 4)
-  Zone X - Areas Determined to be Outside 500-Year Flood Plain

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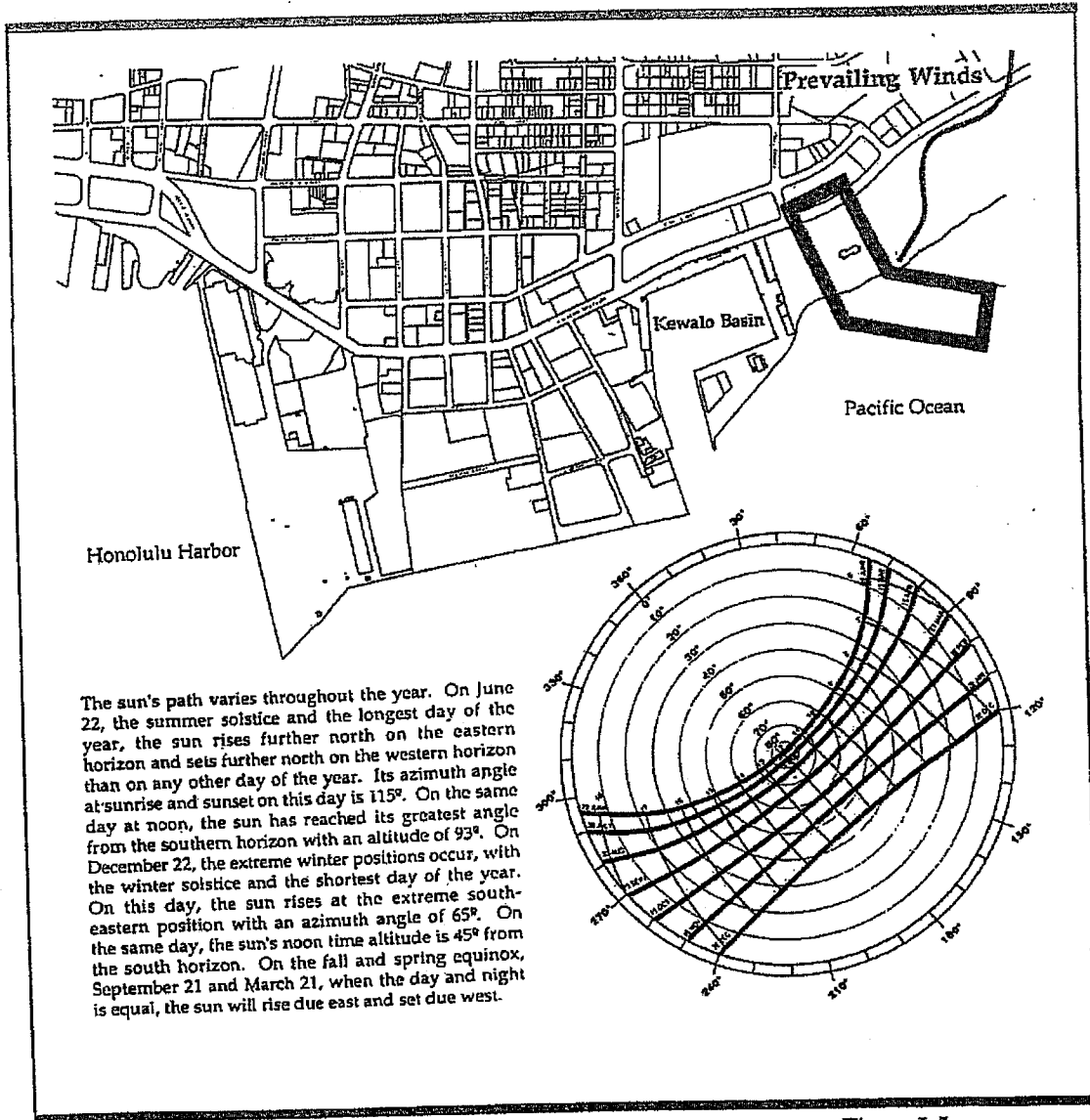
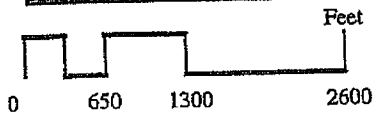


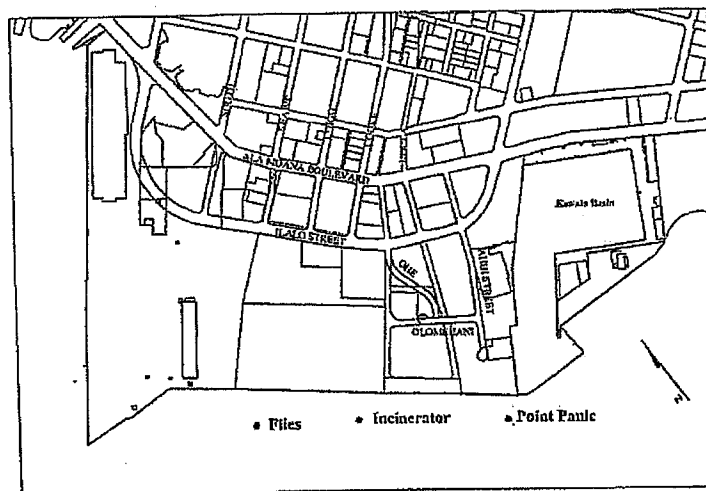
Figure I-5
Sun Angle and Prevailing Winds



Source: Consumer Education Project of Hawaii, 1979. *The House in the Sun-Solar Conscious Architecture for Hawaii and the Tropics.*

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Three surf sites front the Kakaako Peninsula, "Flies," "Incinerators," and "Point Panic," the names of which are reflective of the former adjacent land uses and the proximity of the wave break to the shore. The nearshore currents are predominantly driven by the tides and winds and in general are weak. (Reference: Technical and Environmental Studies for the Kakaako Beach Park.)



The Kakaako nearshore reef is relatively flat, consolidated limestone rubble bottom. The reef is of marginal aesthetic appeal and supports only limited benthic and reef fish communities. The greatest diversity and abundance of fish occur offshore the east sector near the Kewalo Basin channel, where a total of 65 species of fish have been noted.

Nearshore coastal waters from Ala Moana Beach to the easterly entrance channel of Honolulu Harbor are designated "Class A" State waters by the State Department of Health (DOH), while Honolulu Harbor and Kewalo Basin are designated "Class A" embayments. According to DOH, waters classified "A" are to be protected for recreational uses, aesthetic enjoyment, and propagation of marine life.

1.2.6 Views

Existing views in the Makai Area are limited due to the large warehouses and the land form at the Kakaako Waterfront Park. There are very few views of the ocean from the existing interior streets. The best views are from Ala Moana Boulevard to Kewalo Basin, from Kewalo Basin Park along the shoreline, from Kakaako Waterfront Park along the shoreline, from the Kakaako Waterfront Park lookout point in all directions, and on local streets toward the mountains. An enhanced mauka-makai view corridor along Cooke Street will also be created with the implementation of a promenade and generous setbacks (*Figure I-6*).

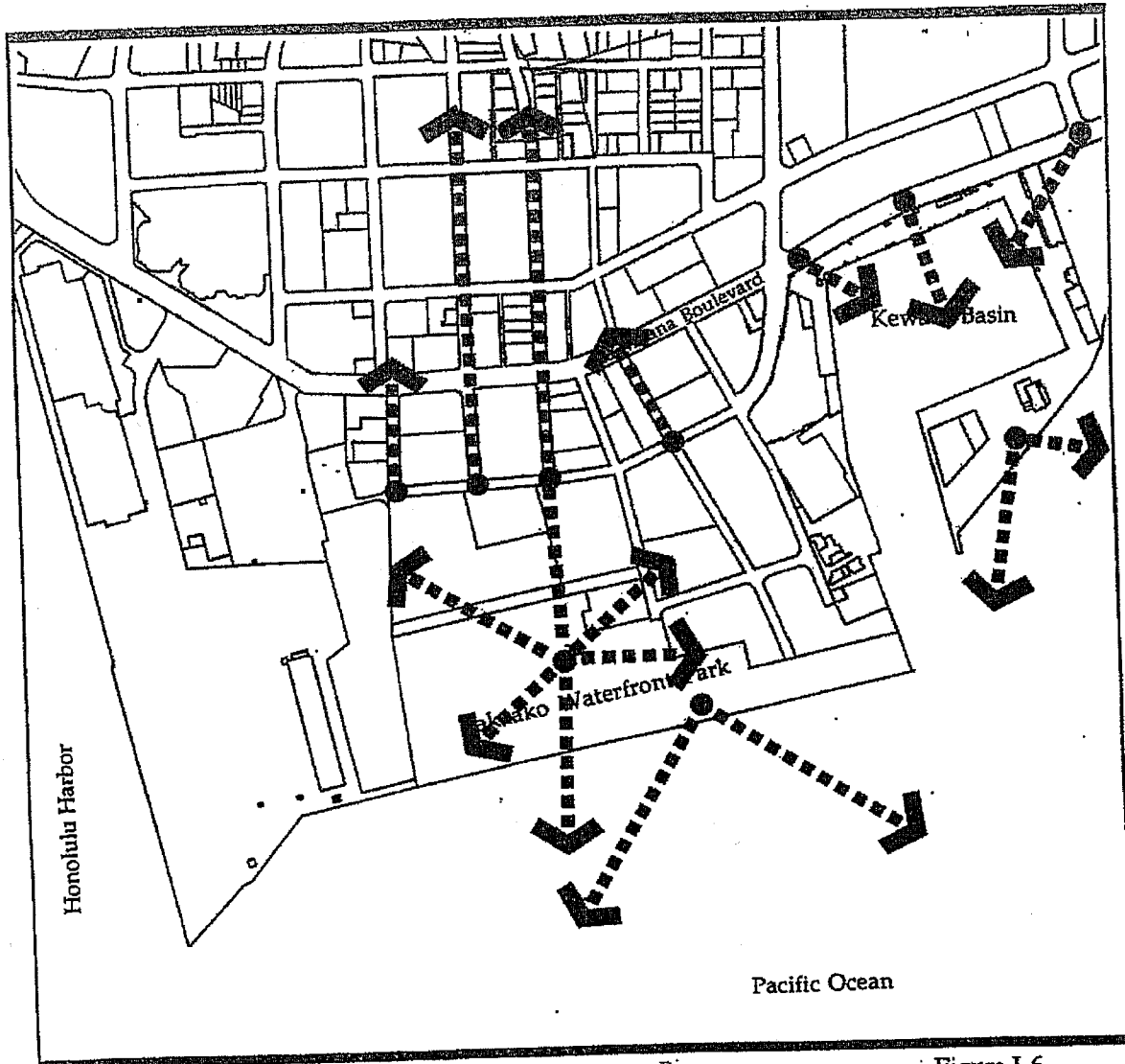
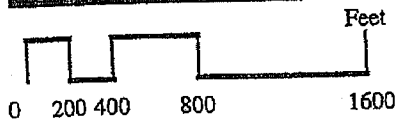


Figure I-6
Existing Views Diagram



Legend



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1.3 Landownership

Of the total 221 acres, approximately 201 acres are owned by the State of Hawaii. Landownership is illustrated in *Figure I-7* and includes the following areas:

	<u>Acres</u>
State of Hawaii*	195.0
Kamehameha Schools/Bernice Pauahi Bishop Estate	12.0
Federal Government	4.6
Hawaiian Electric Company, Inc.	3.4
Additional Circulation	<u>6.0</u>
TOTAL	221.0

* Various rights-of-way are owned by the City and County of Honolulu.

Prior to the conveyance of the Makai Area to HCDA in 1982, various land uses were permitted through executive order, general lease, or revocable permit. Executive orders are issued by the Governor and allow government agencies to utilize State-owned land for a specified public purpose. General leases and revocable permits were issued by the Department of Land and Natural Resources, Department of Transportation, Department of Business, Economic Development & Tourism and allow tenants to occupy State-owned land for a specified purpose and term, not to exceed 65 years. Revocable permits allowed tenants to occupy State-owned land for a specified purpose on a month-to-month basis.

1.4 Current Land Uses

At present, the general mix of land uses in the Makai Area consists of: maritime industrial, cargo and warehousing operations at Fort Armstrong; car dealerships, light industrial, public facilities, and commercial office activities in the central portion of the peninsula; and the Kakaako Waterfront Park. The Kewalo Basin area provides a berthing location for Oahu's commercial fishing fleet, excursion boats, and charter fishing boats. Landside activities surrounding the harbor include maritime support operations, marine research, and commercial restaurant operations.

Kakaako Peninsula

The Kakaako Peninsula lies between Kewalo Basin and Honolulu Harbor, on largely man-made land. Maritime industrial uses occupy the Fort Armstrong area at Piers 1 and 2. This area, once the primary container cargo facility on Oahu, is currently dedicated to maritime break-bulk and limited container cargo operations, ship maintenance operations, cruise ship facilities and the Foreign Trade Zone warehouse and offices.

Commercial uses occupy much of the central portion of the peninsula and include new and used car sales businesses and offices. Recreational uses include the 30-acre waterfront park located adjacent to Point Panic, a popular site for body surfers. Marine research activities

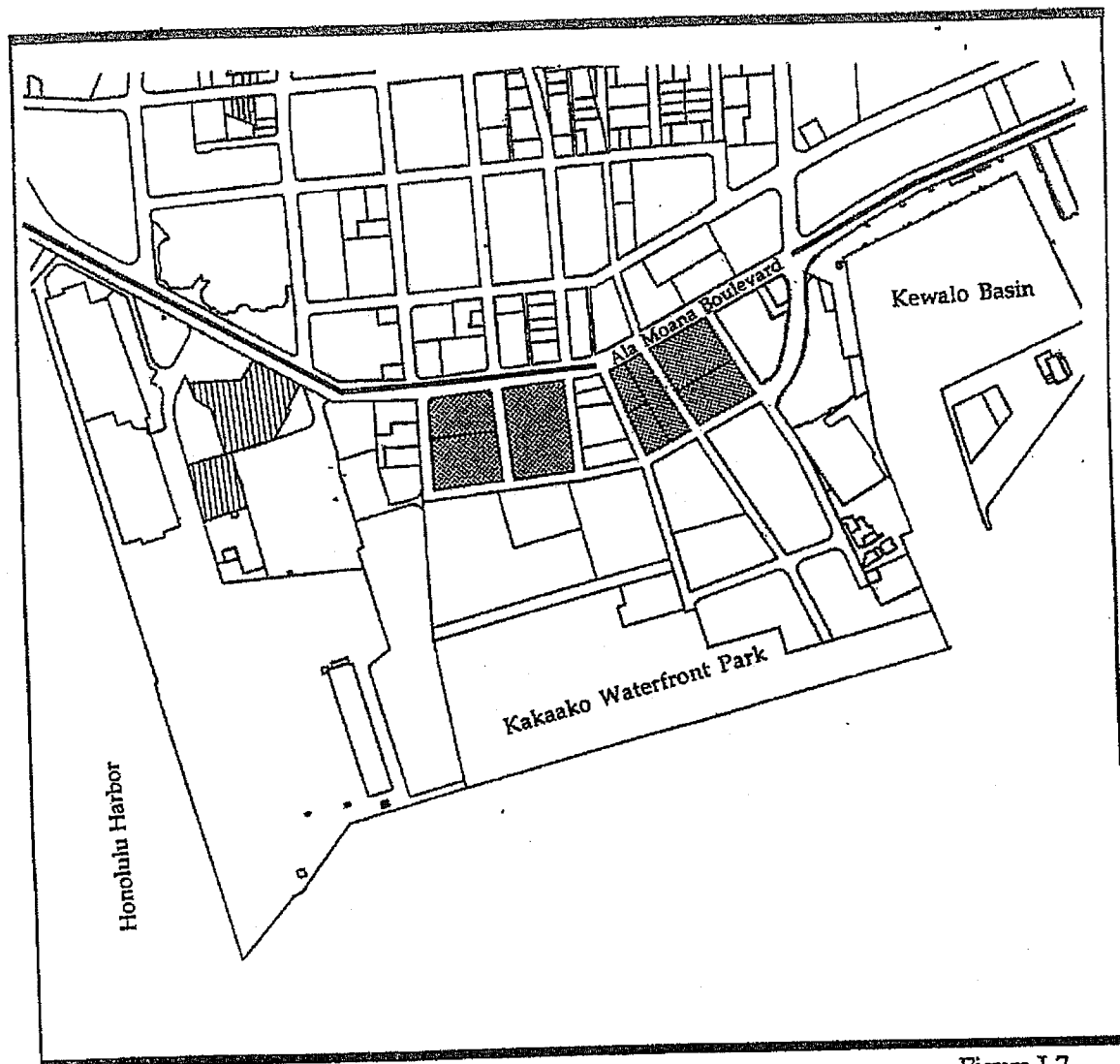
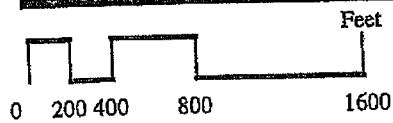


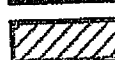


Figure I-7
Land Ownership Map



Legend

-  State of Hawaii
-  Bishop Estate
-  Federal Government



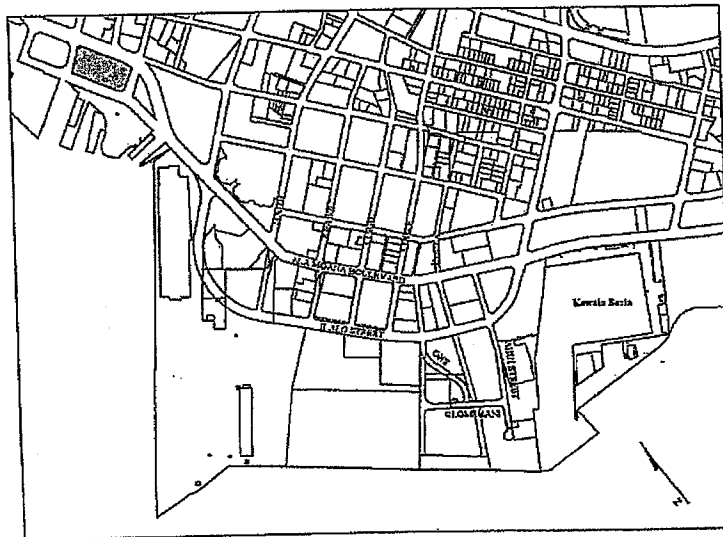
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include the Pacific Biosciences Research Center located adjacent to the ocean channel entrance to Kewalo Basin.

The Kakaako Peninsula also accommodates a number of public facilities including the City and County of Honolulu equipment storage and maintenance areas, DOH, and the Ala Moana Wastewater Pump Station. Three historic structures include the U. S. Immigration Station, the DOH building and the former Ala Moana Sewage Pump Station.

HECO Parcel

The Hawaiian Electric Company, Inc. (HECO) parcel, TMK: 2-1-14: 4, includes 3.4 acres. The parcel is bounded by Nimitz Highway, Bishop and Richards Streets and Aloha Tower Drive, and is occupied by the Honolulu Power Plant.



Kewalo Basin

Kewalo Basin includes 29 acres of land and 30 acres of water area. Existing uses include John Dominis Restaurant, a dry-dock and shipyard facility, and Fisherman's Wharf Restaurant. Facilities adjacent to Ala Moana Park include the National Marine Fisheries Service research laboratory, State Department of Transportation Harbors Division (DOT-Harbors) Kewalo office and the Kewalo Basin Park.

1.5 Review of Development Concepts

Plans Prior to 1982

In 1982, the Kakaako Community Development District boundaries were expanded to include land makai of Ala Moana Boulevard. Prior to this time, development for what is now the Makai Area was regulated by the City and County of Honolulu. Zoning for the area was divided into public open space and industrial use, with smaller areas designated for housing/commercial use along Ala Moana Boulevard and commercial development along

Kewalo Basin. The height limit was restricted to 200 feet, with an emphasis on preserving mauka-makai sight lines, as well as integration with the surrounding areas of Kakaako (*Figure I-8*).

1982 - 1985 HCDA Plans

With the 1982 expansion of the Kakaako Community Development District to include approximately 133 acres of land makai of Ala Moana Boulevard, HCDA developed more specific, in-depth plans for the entire District, issuing a revised Plan in October 1983 (*Figure I-9*).

Concerns unique to the Makai Area were further articulated in additional revisions to the Plan in 1985, and included:

- Recognition of harbor uses at the Fort Armstrong area.
- A central residential area.
- The preservation of scenic views.
- A 30-acre proposed waterfront park at the end of the Kakaako Peninsula.
- The Makai Area as a potential relocation site for displaced Kakaako Mauka Area businesses.

With this Plan, HCDA began to differentiate the Makai Area planning needs as separate from, but integrated with, the larger picture of Kakaako.

1986 - 1990 HCDA Plans

The next major change occurred in 1987, when the Kakaako District boundaries were again amended to include all lands makai of Ala Moana Boulevard from Ala Moana Park to Aloha Tower. This expanded the Makai Area from 133 acres to 227 acres (*Figures I-10 and I-11*). However, in 1990, the lands between Piers 4 and 8 were reassigned to the Aloha Tower Development Corporation, except for the property occupied by HECO makai of Nimitz Highway. This change in the Makai Area boundaries, to 221 acres, also brought revisions to the Makai Area Plan.

Residential and industrial uses were eliminated in the Makai Area. This zoning change stemmed from recommendations in the Honolulu Waterfront Master Plan of 1989 which concluded that the waterfront area would be better utilized as a major recreational, people-oriented activity area with a significant amount of commercial development. Other major ideas added to the original development concepts of 1982 - 1985 included the:

- Relocation of many existing uses to Sand Island, Kapalama, and Honolulu Harbor.

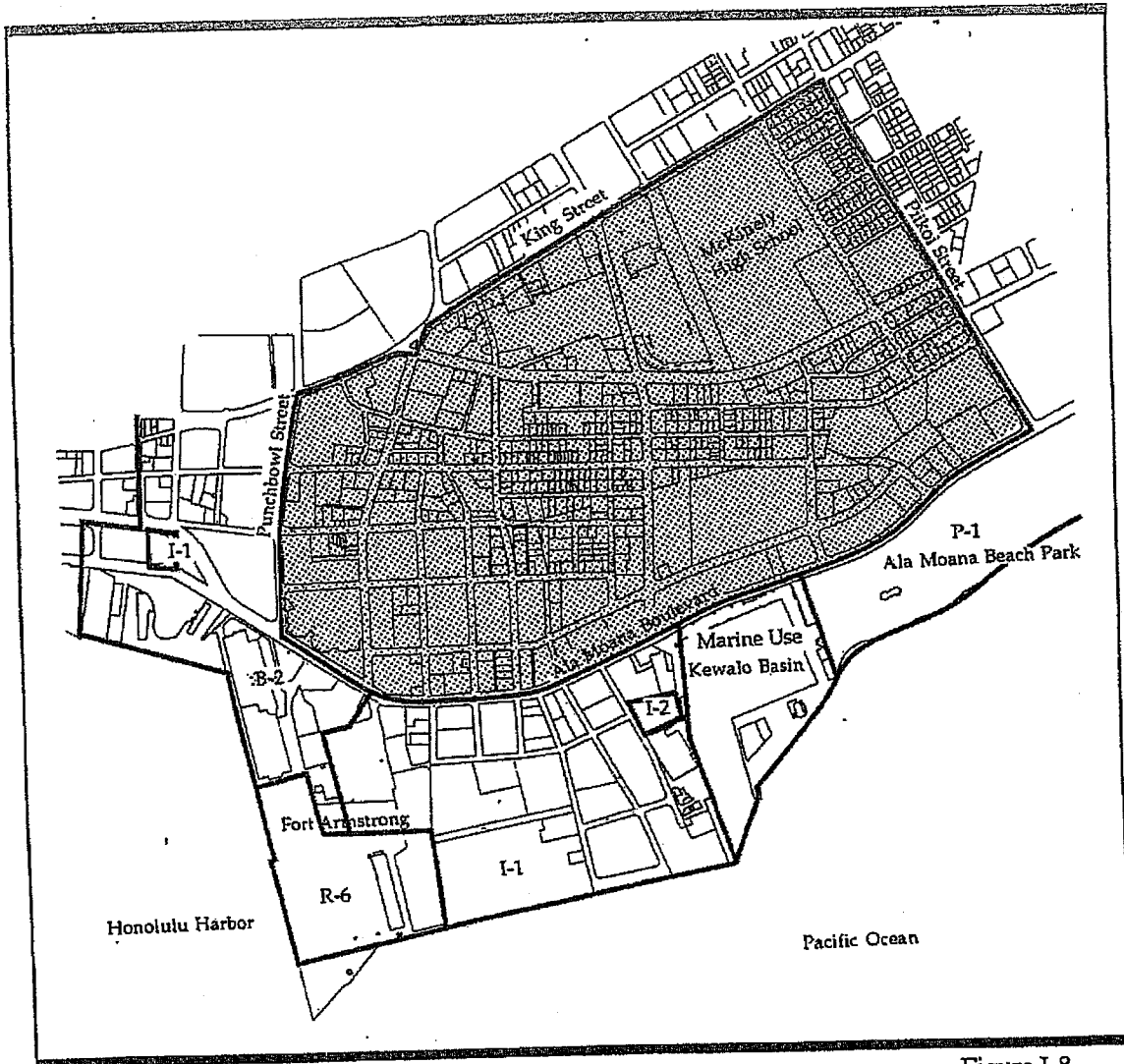
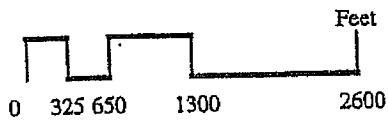



Figure I-8
Plans Prior to 1982



Legend

-  HCDA Boundary
- R-6 Residential (C&C)
- B-2 Community Business (C&C)
- I-1 Light Industrial (C&C)
- I-2 Heavy Industrial (C&C)
- P-1 Preservation (C&C)



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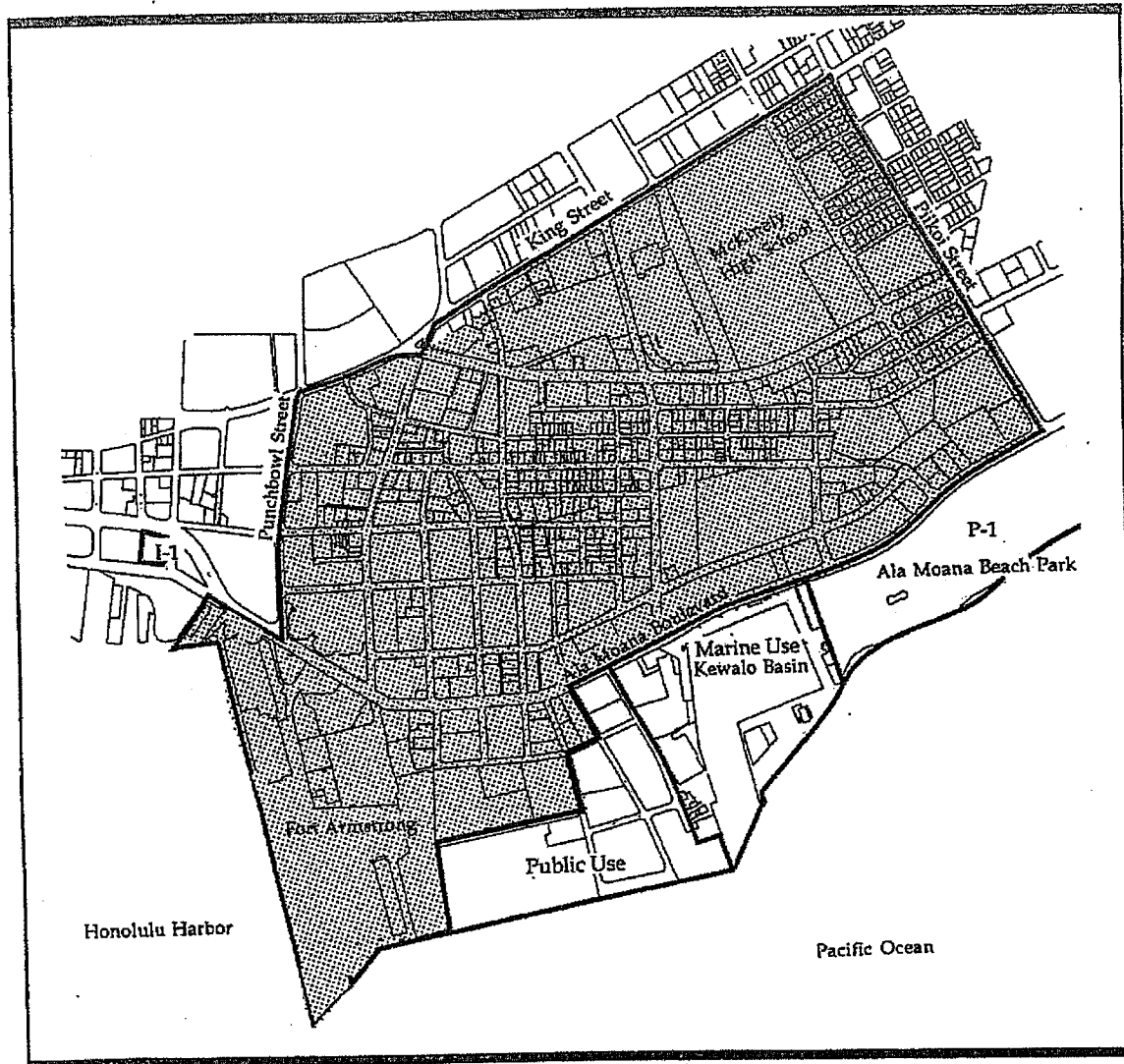
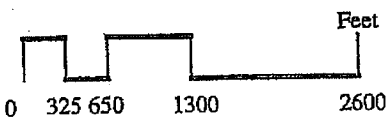



Figure I-9
1982 - 1985 Plan



Legend

-  HCD Boundary
- I-1 Light Industrial (C&C)
- P-1 Preservation (C&C)

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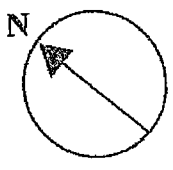
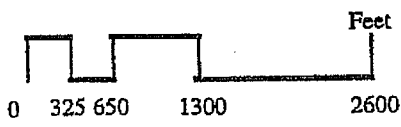
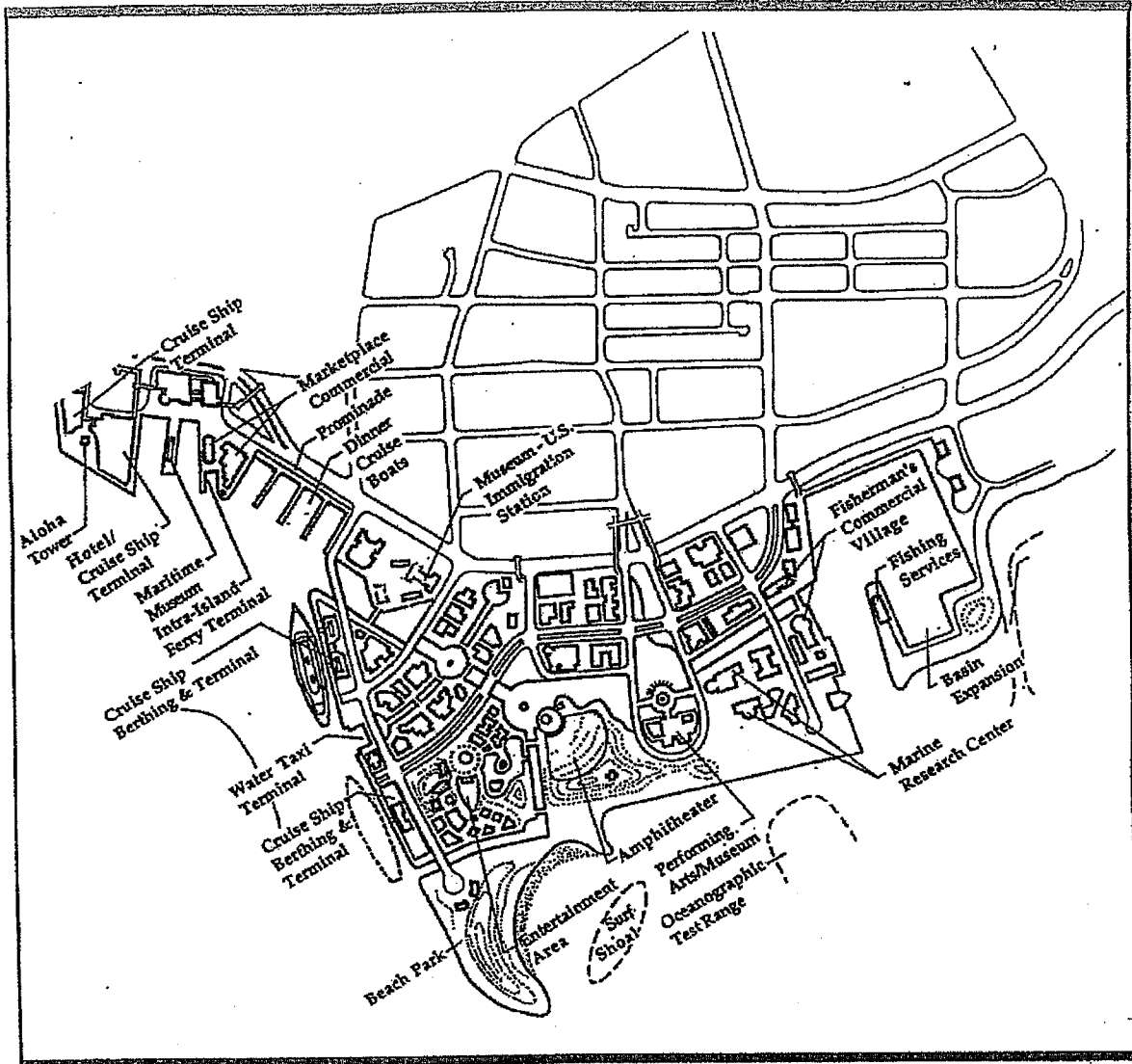


Figure I-10
1989 Waterfront Concept Plan

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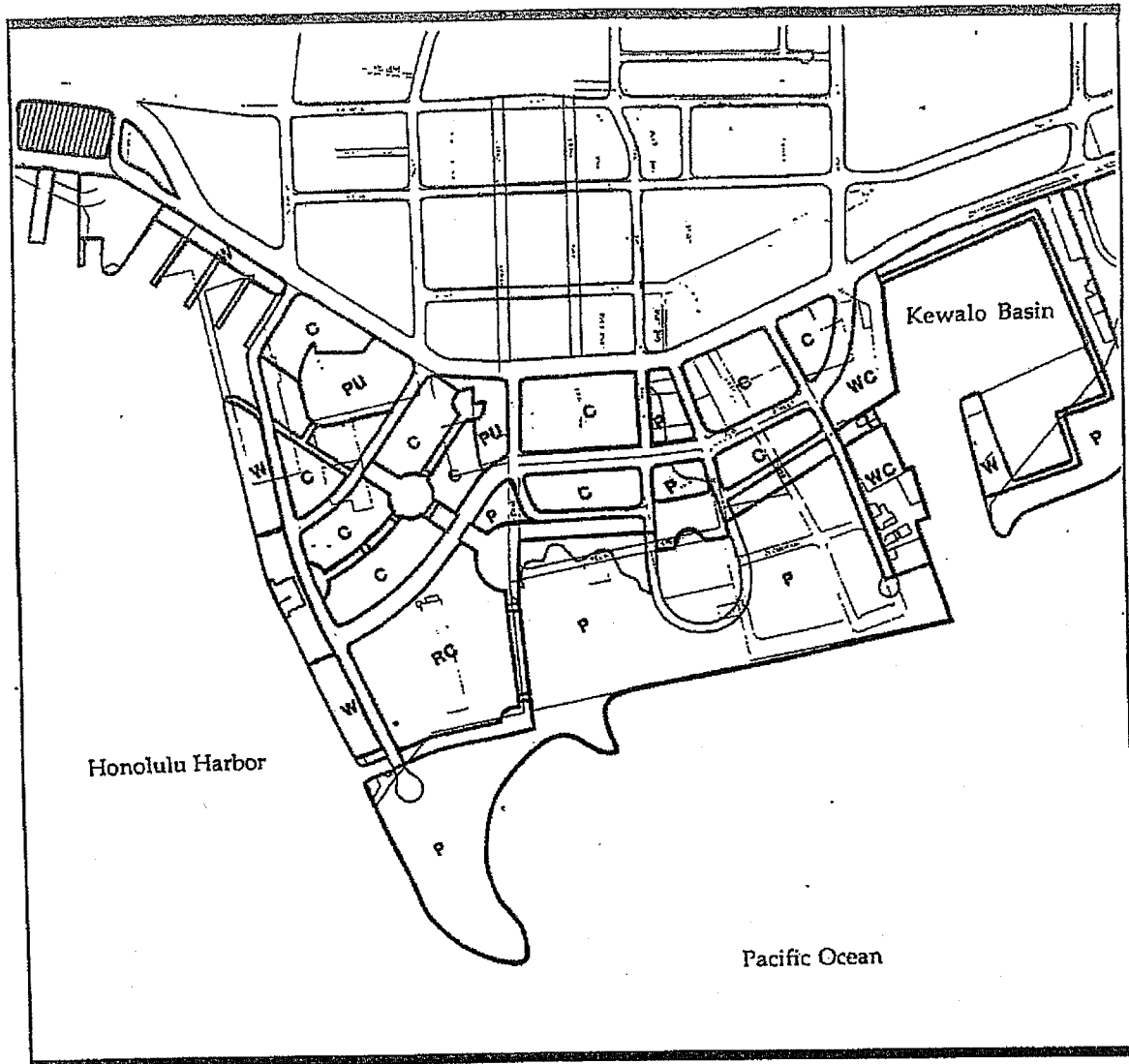
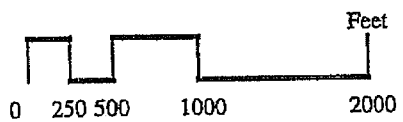
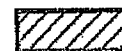


Figure I-11
1990 Makai Area Plan

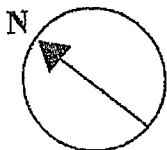


Legend

- P Park
- PU Public
- C Commercial
- W Waterfront Service
- WC Waterfront Commercial
- RC Recreational Commercial



Aloha Tower Special District



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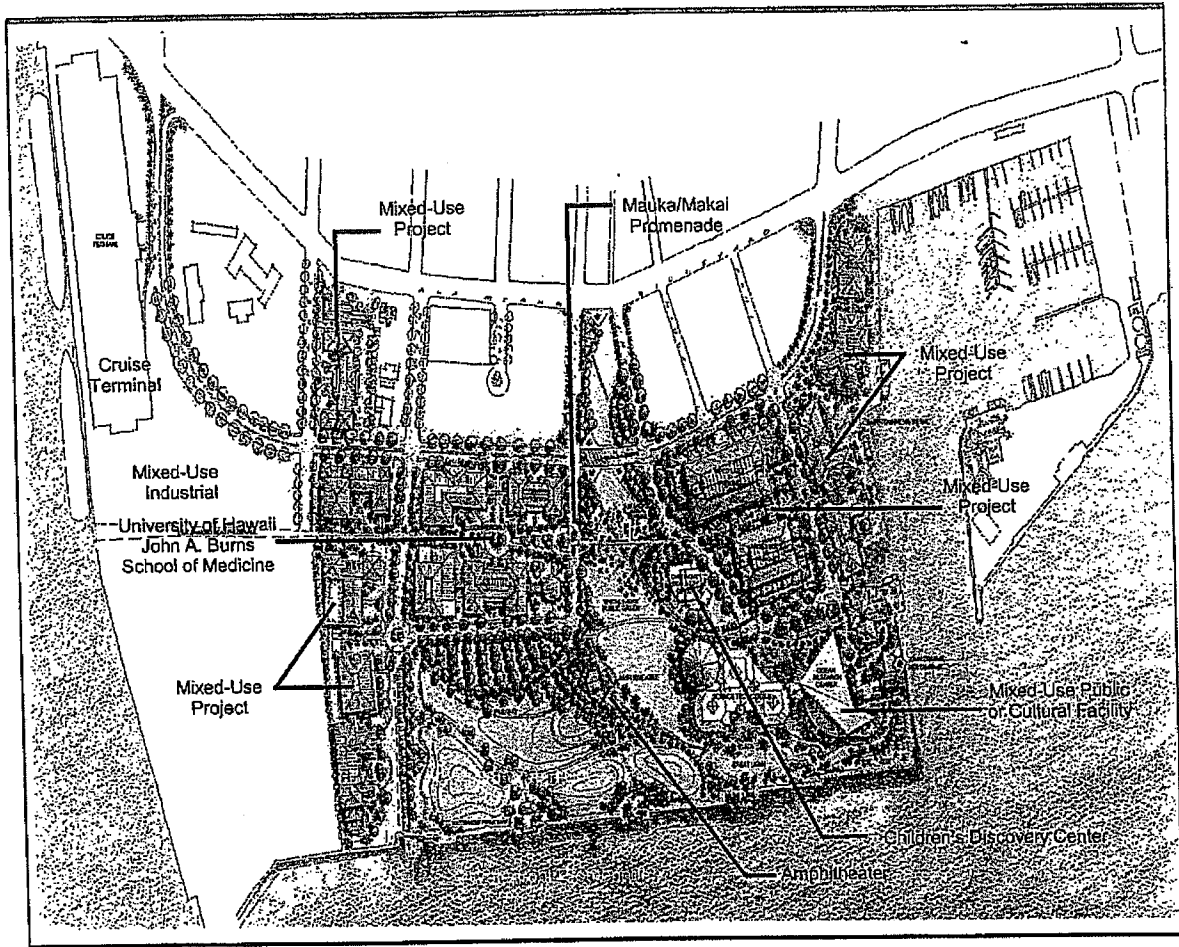
- Revision of the roadway system to include a Cooke/Ohe couplet of one-way streets.
- Expansion of Ala Moana Park into Kewalo Basin.
- Creation of an inland waterway system.
- Provision for cultural and educational facilities within the waterfront park.
- Passenger cruise ship terminals at Piers 1 and 2.

These refinements to the Plan were based on updated market, traffic engineering and port planning studies conducted by HCDA in association with the Office of State Planning as part of the larger Honolulu Waterfront Master Plan program.

1993 – 2002 HCDA Plans

While the 1990-Makai Area Plan incorporated the broad ideas of the Honolulu Waterfront Master Plan and encoded them in zoning for the Makai Area, more in-depth, site-specific analyses on the various features had not yet been conducted. Between 1991 and 1993, HCDA conducted feasibility studies on many of the ideas, such as the inland waterways, revised traffic circulation and proposed cultural facilities. These studies reaffirmed the validity of many ideas, such as the cultural facilities, and led to the elimination of others, such as the inland waterways. In 1994, changes to the Makai Area Plan and Rules were proposed that reinstated residential use based on the continuing demand for urban core housing as well as the need for commercial activity to fund public amenities. The proposed 1994 amendments were not adopted, but many key concepts were incorporated in the 1998 Makai Area Plan and Rules. Key concepts of the Makai Area Plan and Rules remain based on HCDA's legislative mandate to redevelop the district so that industrial, commercial, residential and public uses may coexist in consonance with surrounding urban areas.

In terms of physical development, the idea of the Makai Area as a people-oriented place has endured. Emphasis continues to be on the preservation of the natural environment, and the provision of community facilities such as parks, museums, theaters and promenades (*Figure I-12*).



Not to Scale

Figure I-12
Makai Area
Conceptual Master Plan

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2005 HCDA Plans

In October 2002, the HCDA adopted a Waterfront Business Plan to establish a specific vision, mission and strategy for future development of the Makai Area. The Waterfront Business Plan envisioned the area as a gathering place that should accommodate a mix of retail, recreational, commercial and residential activities. The residential component was found to be essential since residents provide the economic and social basis for a desirable urban live, work and play community. The integration of residential use in the Makai Area is consistent with the concepts of "livability" and "sustainability". These concepts promote the development of walkable, mixed-use communities to prevent urban sprawl and reduce a dependence on automobiles.

1.6 Summary of Plan Elements

The overall vision for the Makai Area is to create an active, vibrant area through a variety of new developments, including an expansive waterfront park, maritime uses along the harbor, restaurants, markets and entertainment along Kewalo Basin, a children's museum, educational and research facilities, residential and commercial developments. In addition, the provision of public open spaces, cultural facilities and amenities will distinguish the Makai Area as a place dedicated and attractive to the people of Hawaii.

2.0 LAND USE

2.1 Land Use Principles

The Land Use Plan has been developed to create a balanced and workable community that reflects the development guidance policies enacted by the State Legislature and refined by subsequent analyses. The following are the major principles that have driven the priorities reflected in the Land Use Plan.

Sense of Community

The redevelopment of the Kakaako Community Development District is based on the principle that people need to be able to live, work and play in close proximity. The plan for the Makai Area reintroduces residential use as an allowable and essential land use to create a strong sense of community. The parks, educational and cultural facilities, commercial and office uses provide an ideal housing context. Moreover, a significant residential component will provide an on-site population which promotes activity, supports local businesses and services, and increases security and living standards.

Balance Public Amenities with Revenue Generation

The basic land use premise of the Makai Area Plan is that substantial portions of the Makai Area be set aside for public enjoyment and access to the waterfront. The corollary to this principle is that a portion of the State lands be developed for commercial uses, with the revenues derived therefrom used to help support the public parks and other amenities.

Focus on Park Lands as a Centerpiece

The land use pattern in the Makai Area is strongly influenced by the desire for a central corridor of park lands. The purpose of this configuration is to extend the Kakaako Waterfront Park to Ala Moana Boulevard, to enhance its visibility and reinforce its prominence as a major public park. In addition, the park will serve as a centerpiece for the adjacent commercial developments.

Appropriate Use of the Waterfront

The Makai Area is surrounded by water: Honolulu Harbor, Kewalo Basin and Malama Bay. It is obvious that appropriate use of the waterfront is a key to the overall land use pattern. Public access to the waterfront in the Makai Area is a priority of the Land Use Plan, and that is reflected in approximately one-mile of shoreline dedicated to park use. At the same time, the maritime activities which provide vital functions for the community are also a priority.

Land is reserved for maritime uses within the Fort Armstrong area and along Piers 1 and 2, which are premier deep-water berths. Pier 2 is currently under renovation for use as a cruise ship terminal. However, specific maritime uses and timing will be eventually determined by DOT-Harbors.

Kewalo Basin

Whereas the park lands are dedicated to recreational uses and Fort Armstrong is dedicated to maritime use, Kewalo Basin has been set aside for the public to view and enjoy the working wharf aspect of the waterfront. Planning for Kewalo Basin was conducted by the Hawaii Community Development Authority in consultation with DOT-Harbors and users of the facilities. Both fishing and tourist-related activities will remain at Kewalo Basin, although some relocation will occur in order to avoid conflicts. The Plan includes the eventual relocation of fishing services, such as ice supply, that are now located along the west edge of Kewalo Basin to the south edge of Kewalo Basin and to Honolulu Harbor. In their place, entertainment, restaurants, residential and retail establishments will be developed along the west edge of Kewalo Basin, and tourism-related boating activities will be accessible from there as well.

A summary of the various land uses is presented in *Table II-1* and illustrated in *Figure II-1*. The maximum allowable building floor areas are presented with each land use zone. The Makai Area will have a total potential floor area of 7.53 million square feet with an overall average floor area ratio (FAR) of .78 for the total land area.

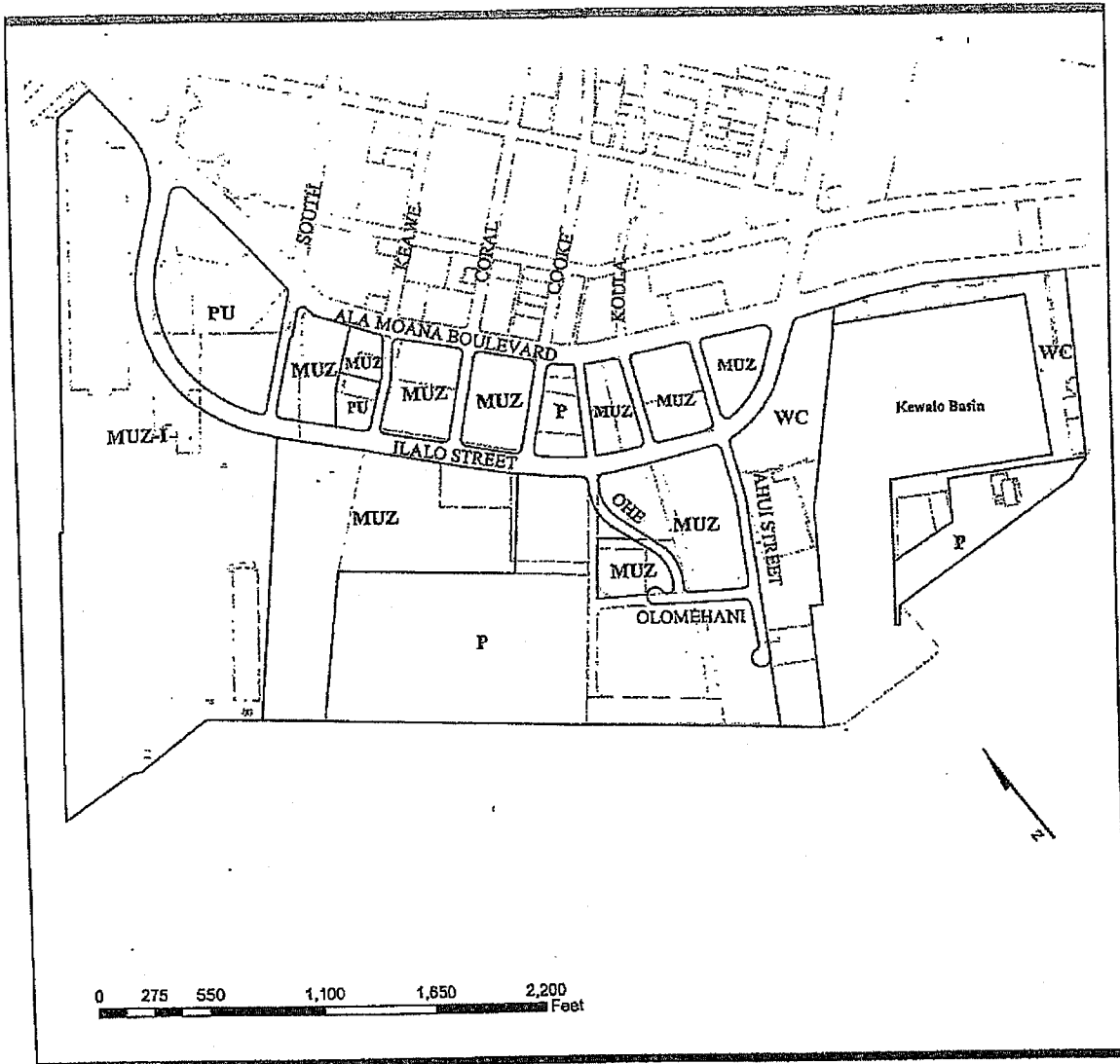


Figure II-1
Land Use Zones

LEGEND:

- MUZ Mixed-Use Zone
- MUZ-I Mixed-Use Zone - Industrial
- WC Waterfront Commercial
- PU Public
- P Park

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Table II-1
Makai Area Land Use Zones

<u>Land Use Zone</u>	<u>Land Area (acres)</u>	<u>Gross Building Area* (million s. f.)</u>
Park (P)	46.2	.45
Mixed-Use Zone (MUZ)	49.2	5.05
Mixed-Use Zone - Industrial (MUZ-I)	56.1	.70
Waterfront Commercial (WC)	22.3	.95
Aloha Tower Special District	3.4	NA
Public (PU)	10.9	.38
Circulation/Miscellaneous	<u>32.9</u>	<u>NA</u>
TOTAL	221.0	7.53

* Land area times maximum allowable FAR.

2.2 Land Use Zones

Park (P)

Generous park lands with direct access to the waterfront remain the centerpiece of the Plan for the Makai Area. Within this zone (P), a variety of park environments will be accommodated. The existing Kakaako Waterfront Park provides a passive park for walking, picnics, and quiet contemplation. Although plans are subject to more detailed feasibility studies and further refinement during design development, at this point, general concepts include the following:

- An iconic mixed-use public or cultural facility within the Diamond Head portion of the Kakaako Waterfront Park.
- A large urban “green” area for active play and festivals.
- An interactive children’s play area with water features and play apparatus.
- An amphitheater adjacent to the urban “green” area and interactive children’s play area.
- Extensions of the current promenade around Kewalo Basin and mauka via the mauka/makai promenade.

Within the park zone, cultural and educational uses along with a variety of active recreation activities will be allowed and encouraged, to provide additional public resources.

Mixed-Use Zone (MUZ)

The Mixed-Use Zone allows for the development of commercial uses, such as offices and retail establishments, and housing. It is anticipated that both commercial and residential uses will coexist within the same development, and the purpose of this zone is to foster a wide range of development options. The "MUZ" zones encompass approximately 50 acres, 12 of which are privately owned. Buildable area varies according to parcel location with floor area ratios (FAR) from 1.5 to 3.5, with a maximum total floor area of 5.05 million square feet.

Mixed-Use Zone - Industrial (MUZ-I)

The purpose of this zone is to allow uses, which support the maritime activities and facilities within Honolulu Harbor as well as limited commercial activities. Typical uses include the proposed cruise boat terminals at Piers 1 and 2, and container yard areas within Fort Armstrong. The MUZ-I zone includes 56.1 acres, with a development potential of approximately 700,000 square feet of building area.

Waterfront Commercial (WC)

The purpose of this zone is to allow residential and commercial uses as well as fishing and boating services along the edges of Kewalo Basin. From an urban design as well as a market standpoint, the best use of these waterfront areas is a complex of shops, restaurants, and entertainment, adjacent to existing fishing and maritime operations with residential uses at the upper levels. Kewalo Basin will retain its working harbor character, while the public will be able to live, shop, dine and stroll along portions of the waterfront in these areas. The WC zone include 22.30 acres with a development potential of approximately 950,000 square feet of building area.

Public (PU)

The purpose of this zone is to set aside areas for lands with existing public uses that are expected to continue. Specifically, three public areas are designated, including the U.S. Immigration Station, the DOH building, and the Ala Moana Wastewater Pump Station.

Aloha Tower Special District

The Aloha Tower Special District consists of 3.4 acres and is bounded by Aloha Tower Drive, Bishop Street, Nimitz Highway and Richards Street. The site currently houses the HECO downtown power plant, and is adjacent to Irwin Park, the Downtown Financial District and the Aloha Tower development area. HCDA designation of the site as a Special District is based on the recognition that the area is not only distinct from other lands in the Kakaako District, but also has strong and direct association with the downtown waterfront. The Makai Area Rules established for the area are purposefully broad, recognizing the need for new development to be compatible with the surrounding area.

2.3 Historic Resources

In establishing the Hawaii Community Development Authority and the Kakaako Community Development District, the State Legislature articulated that "historic sites and culturally significant facilities, settings or locations shall be preserved." The preservation of such resources is, therefore, an integral part of the Makai Area Plan.

Significant historic resources in the Makai Area include the U.S. Immigration Station, the DOH building and the former Ala Moana Sewage Pump Station. The U.S. Immigration Station and the DOH building are listed on the National Register of Historic Places and the former Ala Moana Sewage Pump Station is listed on both the State and National Registers. Placement on the State and/or National Historic Registers does not assure preservation; however, since the U. S. Immigration Station and the DOH building are government-owned and are currently functioning for public use, continued preservation of these sites can be reasonably expected.

The function of the former Ala Moana Sewage Pump Station has been assumed by the City and County of Honolulu Ala Moana Wastewater Pump Station located adjacent to the historic structure. The proposed use of the historic structure is for a commercial development. To ensure that the historic structure be preserved, any new development will be required to integrate the historic and architectural significance of the existing buildings with any new structures (*Figure II-2*).

Based on findings from HCDA's inventory of Kakaako's significant historic and cultural resources, there are no other significant cultural resources in the Makai Area.

3.0 TRANSPORTATION SYSTEMS

The Makai Area Plan includes provisions for different modes of transportation designed to move people and goods safely and efficiently, and to service the demands of the proposed land use activities. The transportation system includes improvements for cars and public transportation, bicycles and pedestrians. In general there is an emphasis on pedestrian movement through the area, in keeping with the waterfront as a people-oriented place.

3.1 Roads

Roadway improvements include upgrading existing roads and constructing new roads to meet or exceed City and County standards. Proposed vehicular circulation is illustrated in

Figure III-1, and roadway dimensions are presented in *Table III-1*. The identified rights-of-way have been analyzed and determined to be sufficient to accommodate anticipated traffic generated by the ultimate development of the Makai Area.

Ilalo Street

Ilalo Street is proposed as the principal collector street for the Makai Area. The west extension begins at the present Punchbowl-Ala Moana Boulevard intersection, and

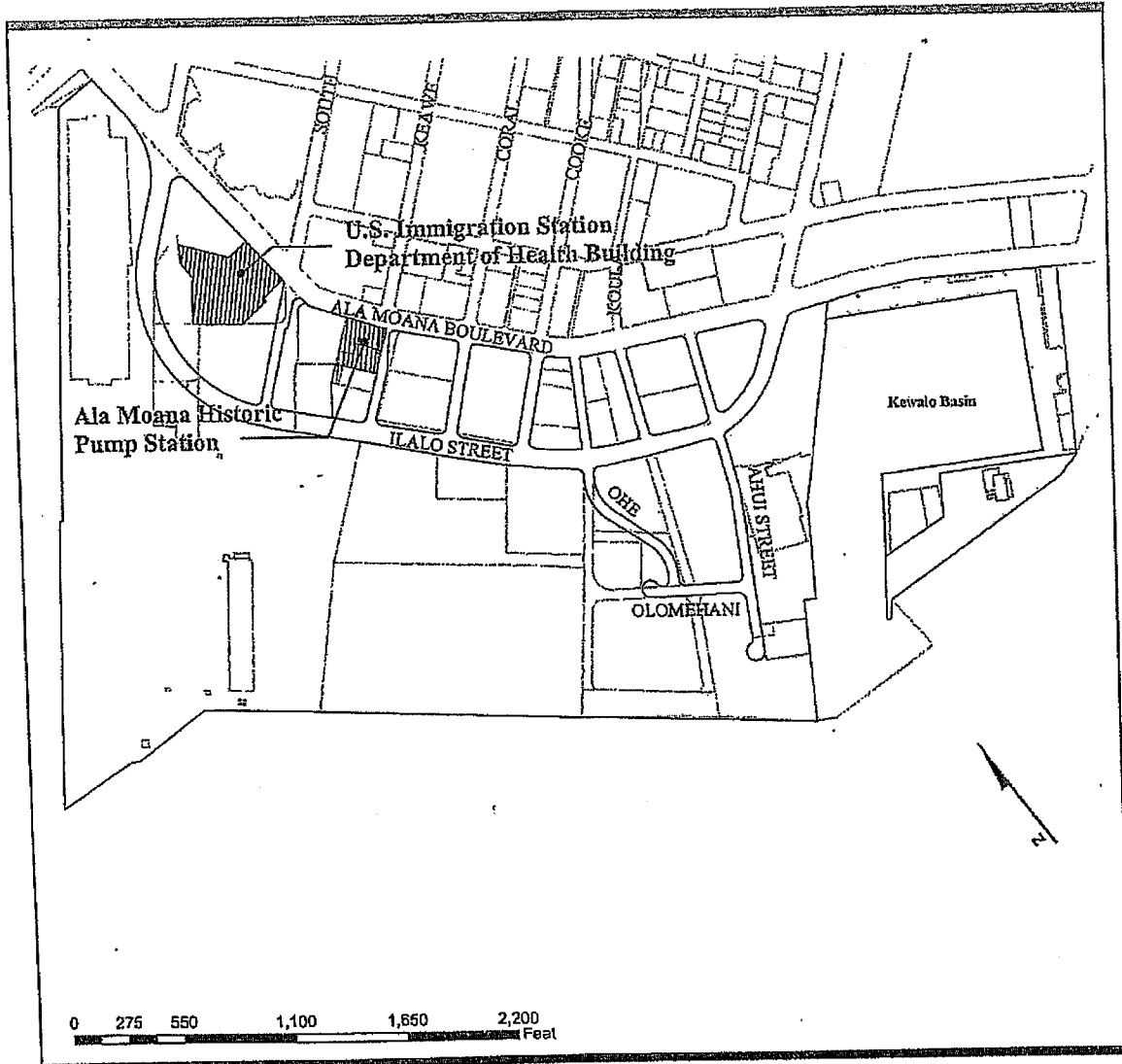


Figure II-2
Historic Resources

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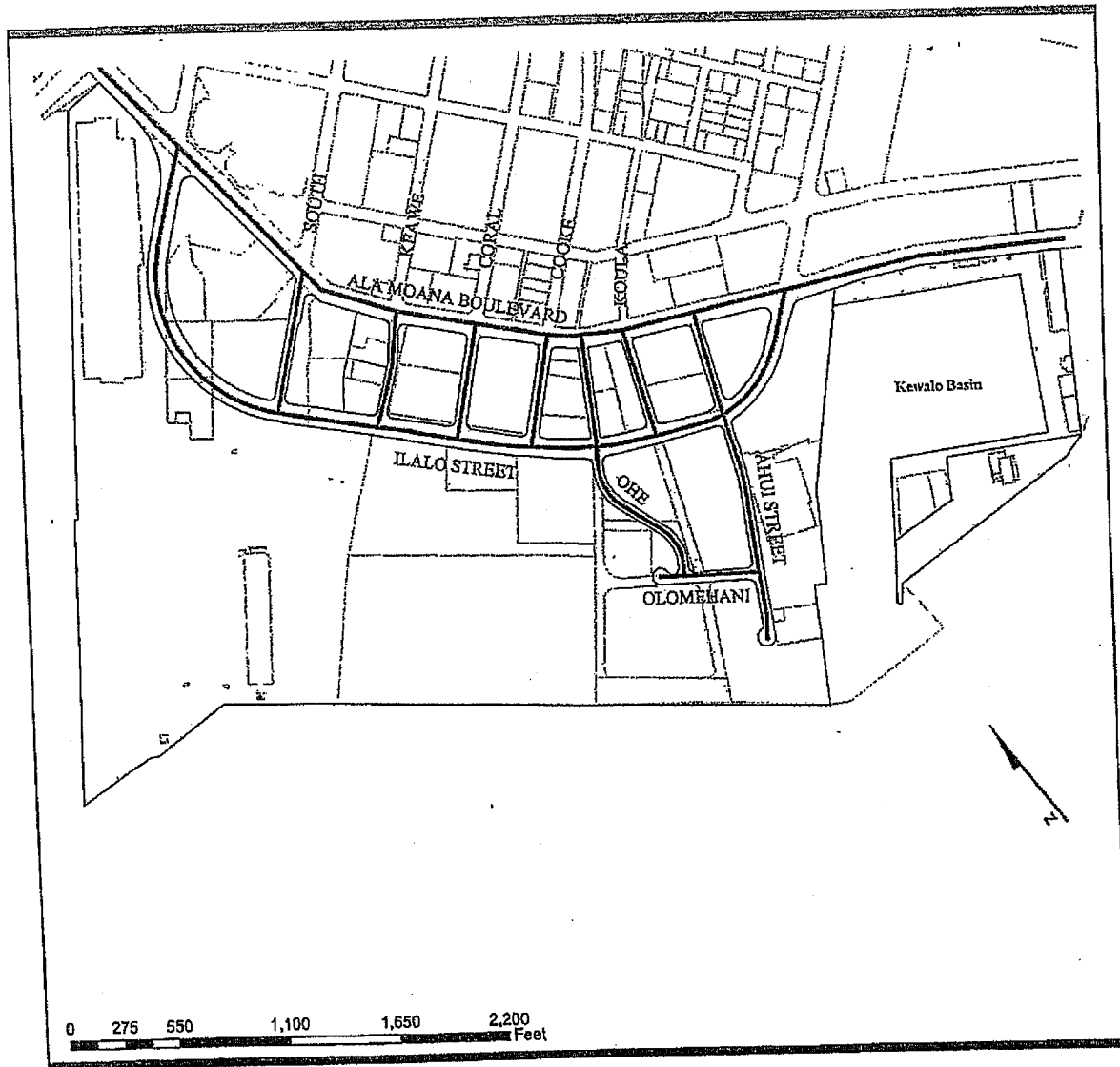


Figure III-1
Vehicular Circulation

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connects to the existing Forrest Avenue-Ilalo Street intersection. This extension is anticipated to create a through street.

Ala Moana Boulevard

Ala Moana Boulevard provides the primary regional access to Kakaako. Currently, there are seven lanes of traffic, including six through lanes and a central left turn lane. The State Department of Transportation (DOT) has identified Ala Moana Boulevard as a Priority 1 in its development of bike lanes along the roadway. Other proposed improvements include minor realignments and intersection improvements to provide for additional turning lanes. These improvements are expected to occur in conjunction with adjacent redevelopment activities.

**Table III-1
Roadway Dimensions**

<u>Street</u>	<u>Traffic Lanes</u>	<u>Minimum Curb-Curb* (feet)</u>	<u>Minimum R-O-W (feet)</u>
Ala Moana Boulevard	6		100
Ilalo Street	5	54-59	94
Olomehani Street	2	24	50
South Street	2	24	50
Keawe Street	2	24	50
Coral Street	2	24	50
Cooke Street	2	44	66
Koula Street (between Ala Moana Boulevard and Ilalo Street)	2	24	50
Ohe Street	2	24	50
Olomehani Street	2	24	50
Ahui Street	2	24	50

* Except at intersections which shall be designed with adequate turning lanes.

Side Streets (Ahui, Koula, Coral, Cooke, Keawe, Ohe, Olomehani and South Streets)

Ahui, Coral, Cooke, Koula, Ohe, Olomehani and Keawe Streets will remain open for traffic use, and South Street will be extended makai along its present alignment. These streets will provide one through-lane in each direction and where appropriate, curb parking.

3.2 Parking

Parking demand projections in the Makai Area are based on residential and office use, as well as use of the parks and retail commercial projects. The parking demand will be accommodated by a combination of on-street, surface lot, and off-street parking facilities. The off-street parking will be developed in conjunction with each project, and is estimated to include 10,800 spaces after all phases are completed. This parking will serve each project, with portions accessible to the general public. Parking requirements are established in the Makai Area Rules. Whereas there are standard formulas for the required number of parking spaces for residential and commercial use, parking demand for park use is difficult to determine. Currently, the Kakaako Waterfront Park has 300 spaces, which is ample. It is anticipated, however, that the development of the cultural facilities within the park will increase parking demand. This increased demand is expected to be met by surface parking lots in the park, off-street parking facilities and on-street parking along Makai Area streets. Together these locations are anticipated to provide a total of 1,000 spaces.

3.3 Public Transportation

Public transportation will be provided primarily by the City bus system (TheBus) (*Figure III-2*). At present TheBus serves the general area with routes along Ala Moana Boulevard, Ward Avenue, Punchbowl, and Ilalo Streets. The new development within the Makai Area could add approximately 2,200 passenger boardings and alightings to the routes serving this area. TheBus routes along Ala Moana Boulevard may be able to accommodate such increased level without adding capacity specifically for this area, as there currently is ample, unused capacity along the Kakaako segment. For new routes, shelters and benches will be required at all bus stops.

A bus rapid transit has been proposed for Honolulu. City plans for alternate alignments through Kakaako include an alignment servicing the Mauka Area as well as a Makai Area alignment along Ilalo Street.

In addition to TheBus and the proposed bus rapid transit system, long-range plans for public transportation include the potential provision of a shuttle service that would connect the Makai Area with the Kakaako Mauka Area, downtown Honolulu and Aloha Tower.

3.4 Bikeways

An important objective of the Plan is to increase non-vehicular access to the Makai Area from Downtown, Ala Moana Park and the Mauka Area. The planned bicycle system within the Makai Area was designed in conjunction with the Bike Plan Hawaii 2003 and bikeway standards established by the City and County Department of Transportation Services.

The bicycle facilities are based on DOT's hierarchical system with: "bike lanes" as striped lanes for the exclusive use of bicycles; "bike routes" as widened roadways which are shared

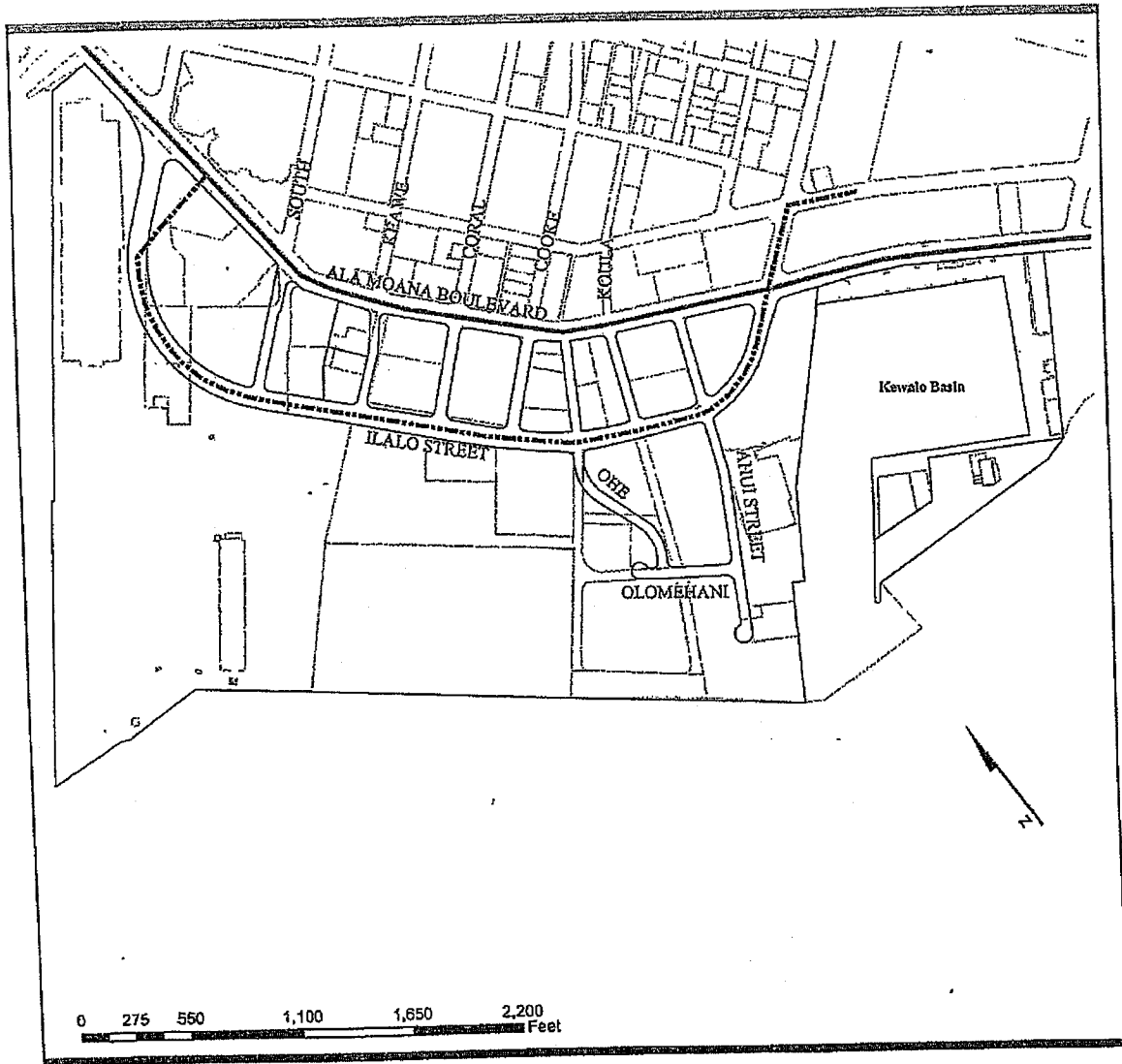




Figure III-2
Public Transportation Plan

LEGEND:

-  Bus System Route
-  City and County of Honolulu's Bus Rapid Transit Route

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by bicycles and automobiles; and "bike paths" which are separate paths for the use of bicycles. Plans include a facility that will transport bicyclists in the mauka-makai direction along Keawe and Cooke Streets to the Kakaako Waterfront Park. In the east-west direction, the bikeway will traverse along the waterfront promenade at Kakaako Waterfront Park and Kewalo Basin. The bikeway will connect to Ala Moana Park at the east end of Kewalo Basin. DOT has planned a regional bikeway network that designates a bike lane along Ala Moana Boulevard (*Figure III-3*).

To encourage use of bicycles, bicycle racks, bicycle storage areas, and other bike accessories shall be provided within development projects. These facilities will be located in accessible areas which are well-lit and secure.

3.5 Pedestrianways

An outstanding pedestrian environment throughout the Makai Area is a major objective of the Plan and provisions include several different types of pedestrianways. Pedestrian promenades are the most prominent features and include the waterfront promenade and the mauka-makai promenade along Cooke Street (*Figure III-4*). Also important is Ilalo Street, which is envisioned as a strolling and shopping street.

Waterfront Promenade

The waterfront promenade began with a small segment along the ocean at Kewalo Basin and now includes a 1/2-mile stretch along the water at Kakaako Waterfront Park. This pedestrianway offers splendid views to the ocean, Diamond Head Crater, Waikiki, and the Ewa coast of the island. The waterfront promenade also provides for a variety of activities such as roller-blading, picnics and fishing.

Mauka-Makai Promenade

Originally envisioned as a small extension of park across Ala Moana Boulevard, the mauka-makai promenade strengthens the original concept with a landscaped pedestrianway that links the Kakaako Waterfront Park with Mother Waldron Playground. With the support of adjacent landowners, this urban design element will form a linear spine, promoting the reintegration of the City and waterfront. The promenade will be created by increasing the building setback requirement on the Ewa side of Cooke Street, with a commensurate building setback reduction on the Diamond Head side of Coral Street.

Ilalo Street

The Ilalo Street pedestrianway runs in the Ewa-Diamond Head direction, and is designed to be a major strolling and shopping street. Defined by harbors at both ends, the pedestrian environment is envisioned to be outstanding, with closely spaced, large shade trees, generous sidewalks and carefully designed street furnishings. Retail areas on the ground level will provide visual interest as well as merchandise, and will form a consistent edge in the manner of outstanding retail streets in many other urban areas.

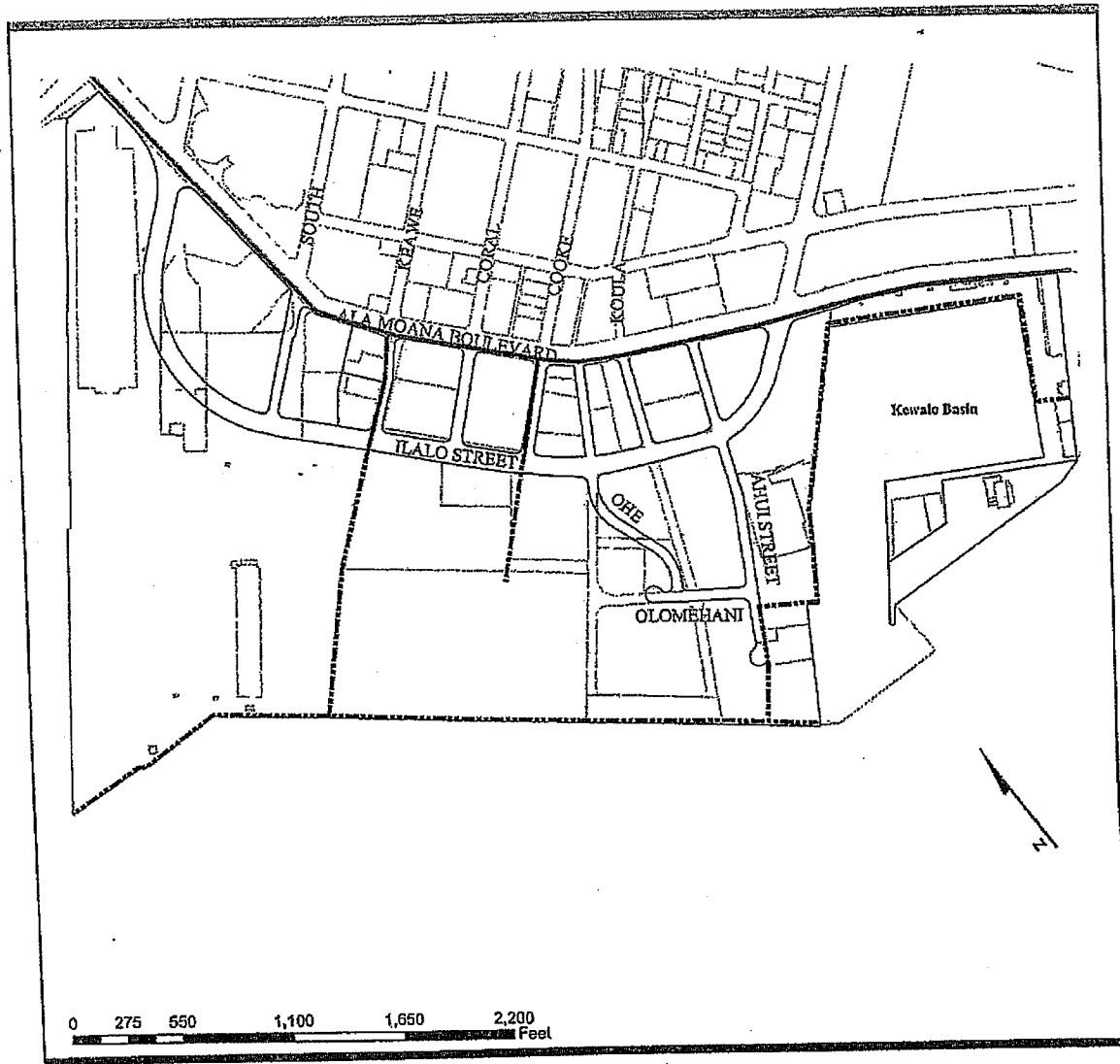


Figure III-3
Bicycle Facilities Plan

LEGEND:

- Bike Lane
- - - - - Bike Path

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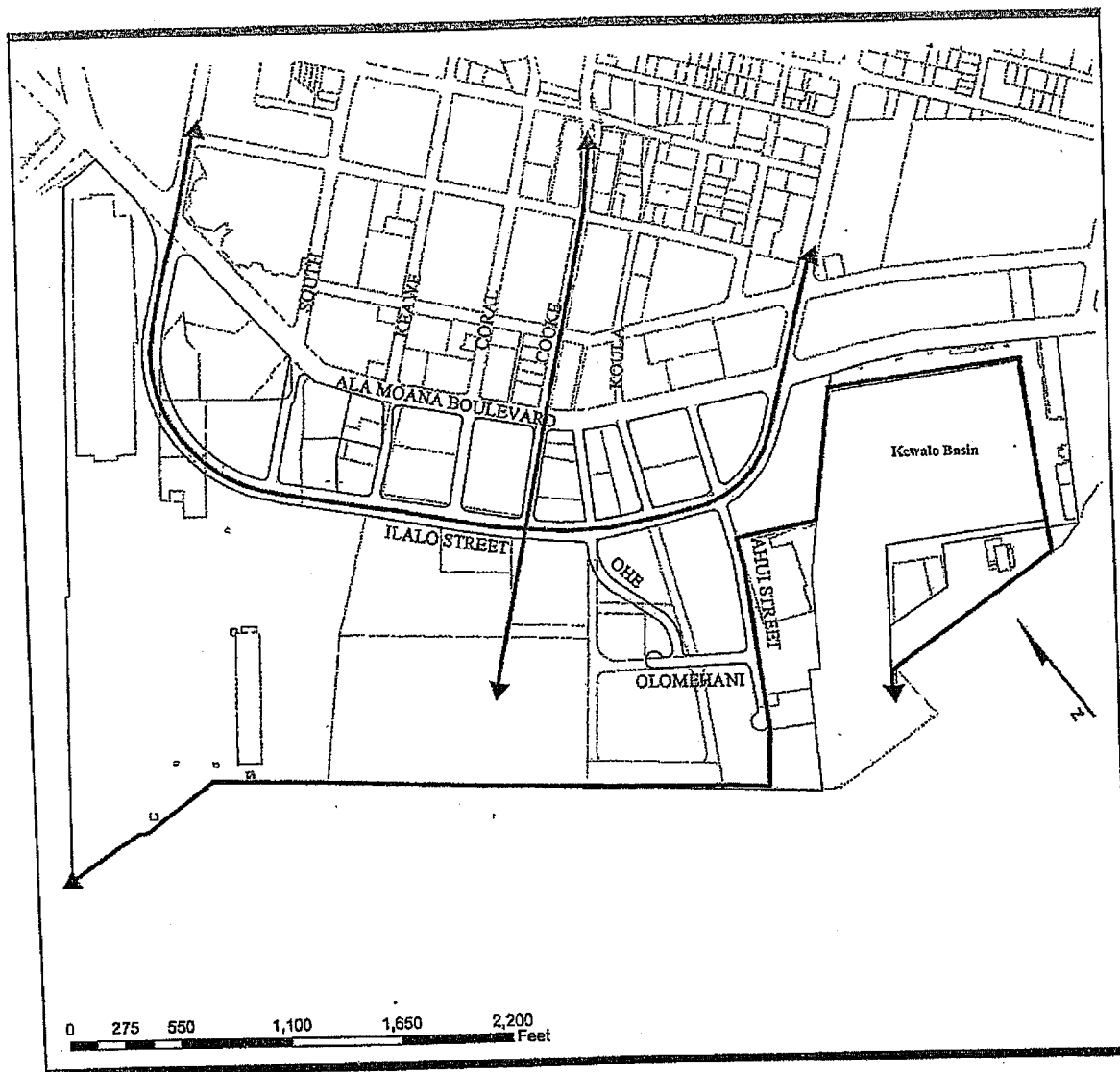


Figure III-4
Pedestrianways Plan

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Side Street Environments

In contrast to the wide street and sidewalks along Ilalo Street, the side streets and sidewalks will be narrow in width. Street trees will provide shade for pedestrians and adjacent yard plantings, along with street lights and furnishings, will ensure that these streets are attractive pedestrianways.

3.6 Land Acquisitions

In order to implement the Plan, the acquisition of limited amounts of additional land within the Makai Area may be necessary. With the exception of Ala Moana Boulevard, all improved roads are expected to be owned and maintained by the City and County of Honolulu.

Property proposed for acquisition includes a portion of the Federal property behind the U.S. Immigration Station. This area is necessary to complete the Ilalo Street roadway alignment.

4.0 URBAN DESIGN

4.1 Urban Design and the Makai Area

Contemporary cities have developed in response to the objectives of two primary forces: private development interests seeking the creation of unique and financially successful projects; and government, seeking the creation of a beneficial public domain and a logical, coherent city. Individual developers exercise control over building style, form and materials, while government regulates height, density and other broad parameters.

In many cities over the last 40 years, development has not resulted in outstanding urban environments. More recently, both public and private interests have been trying to rediscover the art of building cities that produced numerous outstanding examples before 1950, including parts of Honolulu. A number of new strategies have been developed that utilize both traditional planning methods as well as concepts tailored to contemporary lifestyles.

Most of the Makai Area is publicly owned, and is therefore a unique opportunity to create an outstanding urban environment and serve as an example of excellence. With an emphasis on the pedestrian environment, block after block can be linked with comfortable, shady walks connecting buildings that are attractive and relate to the land.

Development of these lands represents a tremendous social and economic opportunity. Recognizing that inappropriate development could seriously compromise this opportunity, the Makai Area Plan balances public and private interests by carefully prescribing ground level requirements while encouraging a variety of building forms, land uses, and architectural styles.

4.2 Urban Design Principles and Elements

4.2.1 Principles

The following urban design principles and elements are intended to strengthen the overall concept of the Makai Area Plan. Each principle and element will function together to form a physical environment that is suitable to live, work and play.

Strong Linkage of the Kakaako Waterfront Park to the City

A generous waterfront park is the centerpiece of the Makai Area Plan. Constructed in 1992, the Kakaako Waterfront Park assists in the recapture of the Honolulu waterfront for public use, and provides a key link in a continuous system of parks extending from Waikiki to the airport. In addition, the park is a unifying urban design element that extends up through the Kakaako Peninsula and across Ala Moana Boulevard, creating a strong physical and visual link to the urban fabric of Honolulu.

Flexibility of Building Form

Within certain basic parameters, such as height and view corridors, building form and architectural style should be flexible. Allowing for a variety of forms sets the stage for both creativity and easy accommodation of a variety of uses. Ultimately the view of the skyline as well as the view from a pedestrian's perspective benefit from a variety of forms.

Outstanding Pedestrian Environment

The pedestrian environment, sometimes considered last, should be of primary concern. Clear, unimpeded sidewalks with consistent street trees closely spaced for shade, as well as a lack of randomly located driveways and a plethora of interesting activities, are all critical to a pedestrian-friendly environment. Carefully considered site furnishings, such as benches and light poles, along with public art on the street, sends the message that the pedestrian is important.

4.2.2 Site-Specific Elements

Variety of Park Environments

Additions to the existing Kakaako Waterfront Park will add a variety of spaces for public enjoyment. In addition to the areas for walking, fishing and picnicking currently available, new park land will provide a variety of park environments including:

- The existing passive park for walking, biking, picnicking, and quiet contemplation.
- A large urban "green" for active play and festivals.

- A children's play area with interactive activities such as a water feature and play apparatus.
- An amphitheater adjacent to the urban "green" and children's play area.
- Extensions of the existing waterfront promenades to form a continuous route through the Kakaako Peninsula.

Kewalo Commercial

The Kewalo Waterfront area, which includes both sides of Ahui Street, is envisioned to be an active waterfront commercial and residential area with a promenade along the harbor edge as well as plazas where people can congregate and enjoy the ocean view.

Active Ground Floor Uses

While all the streets in the Makai Area should comfortably accommodate both autos and pedestrians, certain streets will have a distinctly active, pedestrian-oriented character. Ilalo Street will be the premier strolling and shopping street with active ground floor uses along both sides of the street.

Ground floor frontages along the mauka-makai promenade will be encouraged to be active and relate positively to the public realm with a broad range of uses such as banks, lobbies, and exhibits, as well as shops and restaurants.

View Corridors

The Makai Area will preserve important views of Ala Moana Park, Diamond Head, and the mauka/makai corridor along Cooke Street. In addition, the existing view corridor down Ala Moana Boulevard will be maintained.

Cultural and Educational Facilities

Cultural and educational facilities have always been a fundamental element in HCDA's evolving community development plans and objectives.

Projects completed or anticipated include the Children's Discovery Center, the University of Hawaii John A. Burns School of Medicine, cultural and research facilities. These facilities will be integrated into the urban fabric, much as cultural events are perceived as an integral part of city life.

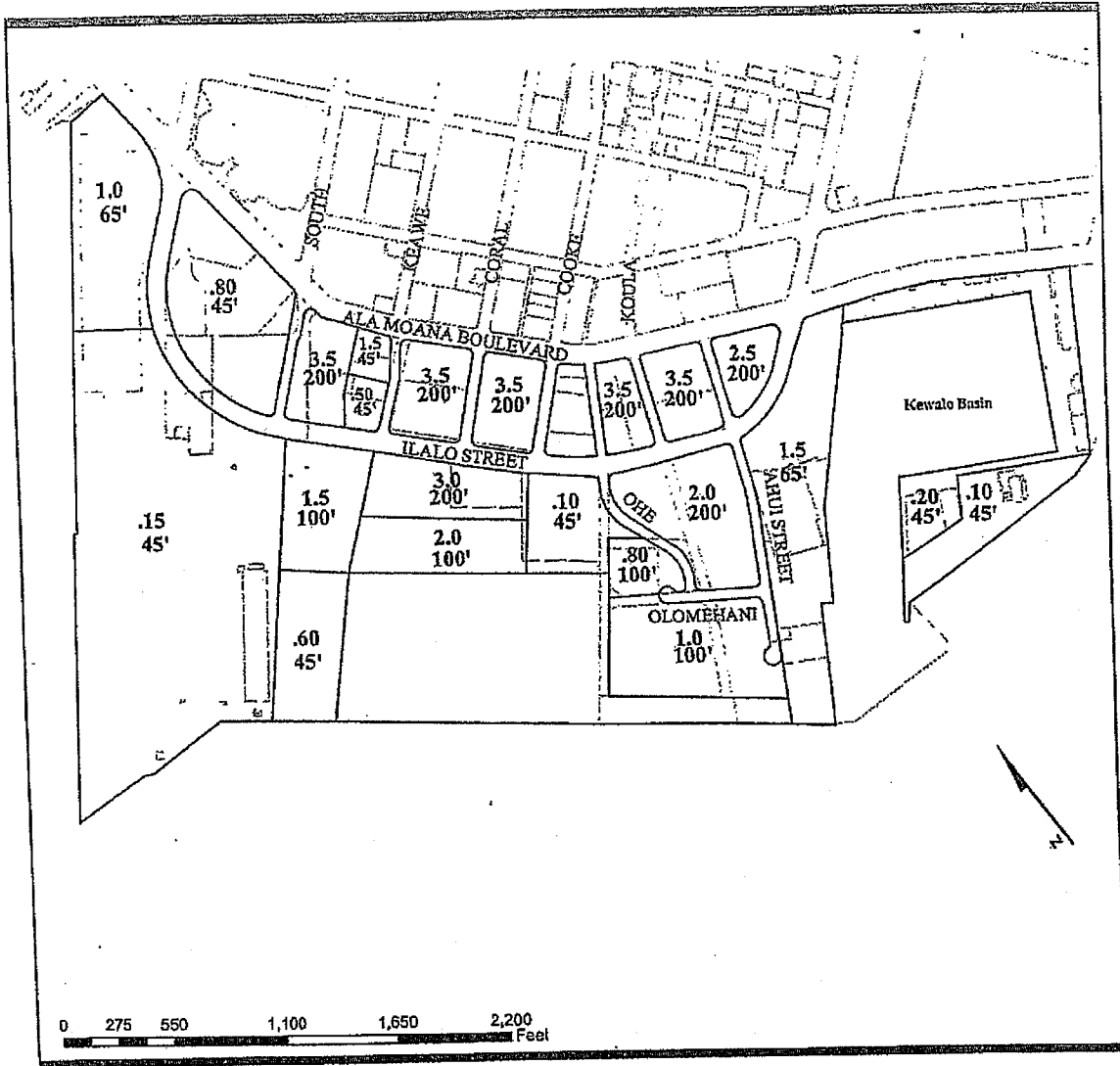


Figure IV-1
Maximum Height and Density Plan

LEGEND:

- 200' Indicates Maximum Allowable Height
- 3.5 Indicates Maximum FAR

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Public Art

The placement of public art in the Makai Area is intended to reinforce the concept of the continuous public realm. Instead of more typical monumental art programs that place large works at key intersections and squares, public art here will strive to support numerous smaller pieces integrated with the landscape in all types of open spaces.

4.3 Building Envelope Definition

4.3.1 Development Provisions

All development proposals are required to obtain a development permit. Procedures for development permits are outlined in the Makai Area Rules.

A typical vertical mix within a development on Mixed-Use Zone lands would be retail and other commercial uses on the lower floors, with residential or office uses within the towers. Towers would be spaced to provide sufficient light and air between them and to minimize the obstruction of views from within and outside the Kakaako District. Parking will be obscured within the interior sections of development parcels; curb-side parking along streets and surface parking adjacent to parks will also be provided, where appropriate.

4.3.2 Density and Building Height

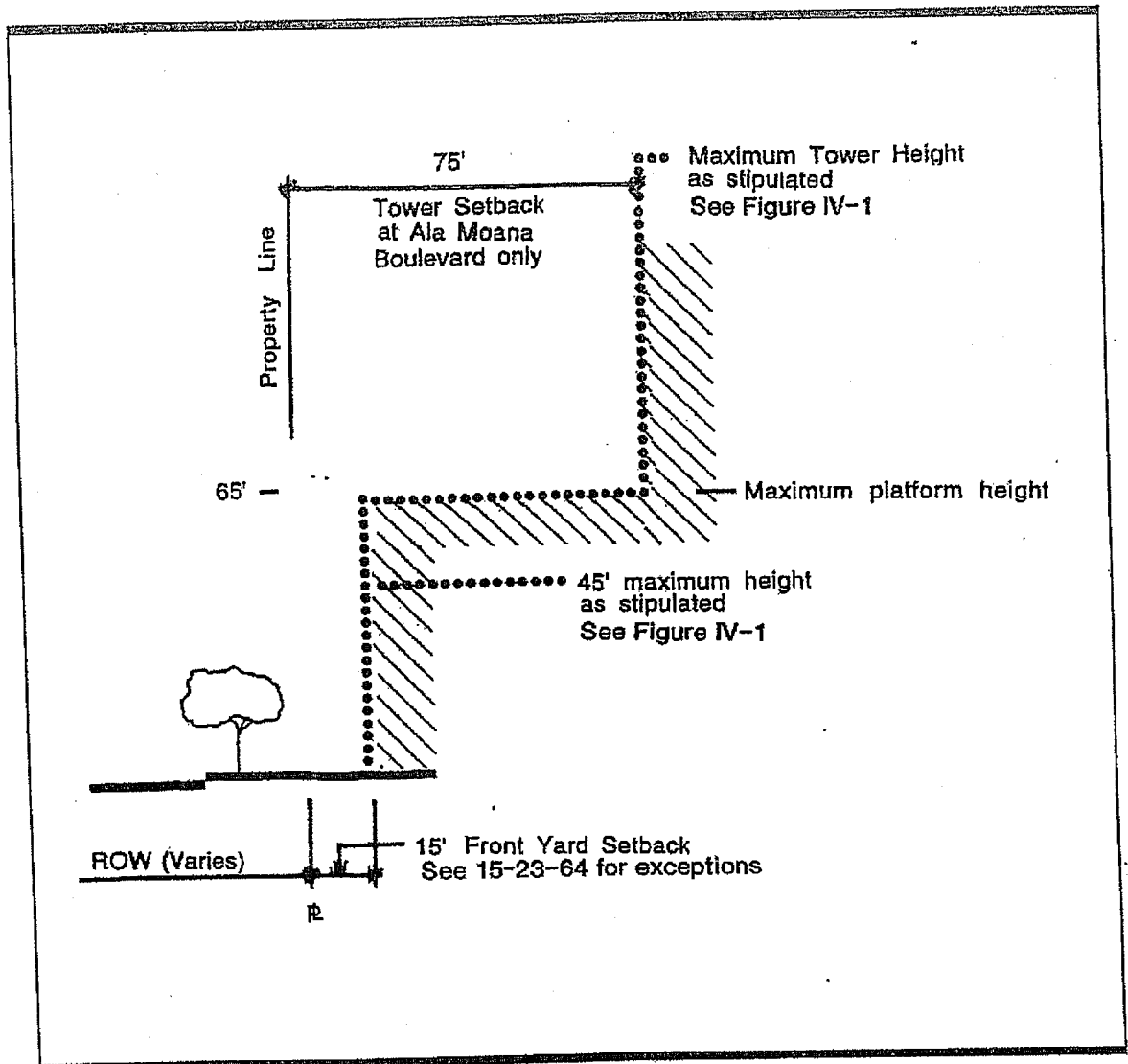
The urban form in the Makai Area will be diverse, with a mix structures rising to levels of 200 feet in the Mixed-Use Zone, and stepping down to 65 feet and 45 feet along the waterfront (*Figure IV-1*).

Gradually decreasing building heights are associated with densities from a higher intensity zone fronting Ala Moana Boulevard to the lower intensity parcels fronting the Waterfront Park.

4.3.3 Building Form

The Makai Area presents the opportunity to display a variety of building forms. The platform level extends to a maximum of 65 feet and can be lower. Towers along Ala Moana Boulevard must be stepped back 75 feet from the property line (*Figure IV-2*). In general, towers are encouraged to be oriented with the long axis in the mauka-makai direction, with a maximum dimension of 110 feet permitted in the Ewa-Diamond Head direction.

In general, buildings will be required to be set back 15 feet from the property line and the setback area must be landscaped. If ground floor windows facing the street are provided, however, the setback may be reduced to 5 feet and paved. This provision will encourage active ground floor uses instead of blank walls along the streets. The maximum building envelope is indicated in *Figure IV-2*.



Not to Scale

Figure IV-2
Maximum Building Envelope

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4.3.4 Number and Location of Tall Buildings

One tower will be permitted for each development project on a lot of 80,000 square feet or less. For lots greater than 80,000 square feet, additional towers may be allowed and the spacing between towers is predicated upon distances to neighboring towers. In general, towers should be at least 200 feet between the long side of the towers and at least 150 feet between the short side of the towers. Final tower location will be determined by the developer in consultation with HCDA.

4.4 Pedestrian Environment

As stated previously, the Makai Area Plan places high priority on the creation of an outstanding pedestrian environment. The provision of public parks, as well as active ground floor uses along key frontages, will support this goal. Similarly, appropriate design of public sidewalks and privately owned open space is also critical to the establishment of an outstanding pedestrian system.

4.4.1 Streets and Sidewalks

Ilalo Street will become a premier shopping street linking the Makai Area in the Ewa-Diamond Head direction. The sidewalks and planting strips will be broad, up to 20 feet, with generous planting and seating areas. Monkeypod trees will line both sides of Ilalo Street. Curb cuts, driveways, or service areas will be limited to maintain continuity of the sidewalks. Side streets will have narrower sidewalks with street trees planted in tree wells at the curb.

4.4.2 Open Space

In addition to public parks, each development within the Makai Area is required to provide at-grade open space in the amount of 20% of the property area. In order to be a successful component of the pedestrian environment, it is important that such open space be safe, attractive, and useful. Arcades are also viewed as a complement to open space. Special incentives are provided in the Makai Area Rules to substitute arcades for required open space.

Open space that is merely the result of an increased setback or an amorously shaped field is not desirable. In order to feel safe, open space must have clear edges and boundaries, preferably lined with active ground floor uses. Incentives will also be provided in the Makai Area Rules to achieve well-proportioned open space.

5.0 INFRASTRUCTURE SYSTEMS

As mandated by the Legislature, HCDA is to act as a catalyst for development and its purpose is to "join the strengths of private enterprise, and public development and regulation into a new form capable of long-range planning and implementation of improved community development." Infrastructure improvements by HCDA are a major tool to strengthen the development efforts of the public and private sectors, and provide the basic services needed for the growth and functioning of a community.

For the most part, the existing infrastructure in the Makai Area is inadequate to support any sizable development and, before new developments can occur, it must be improved. All existing infrastructure systems in the Makai Area are proposed to be upgraded to meet the maximum potential demands and will be coordinated with the broader region, including the Mauka Area. Prior to the initiation of any new development, the utilities expected to serve it will have adequate capacities to meet the needs and demands to be generated. All utilities will be designed in accordance with appropriate City and County and utility company standards and established engineering principles. Infrastructure plans are presented as concepts in order to understand the magnitude of costs needed. Final design will be based on subsequent detailed engineering analyses.

Major infrastructure improvement costs for future roads and sidewalks, water, wastewater, drainage, electrical and communication systems, street lights and traffic signalization in the Makai Area (as summarized in Table V-1 below and described further in the following text and layouts) are estimated to be about \$29.22 million in 2005 dollars. Estimated costs include allocations for planning, design and contingencies.

**Table V-1
Infrastructure Improvement Costs**

<u>Infrastructure System</u>	<u>Estimated Cost (\$ millions)</u>
Roads	10.52
Water Supply	1.47
Wastewater	2.88
Drainage	2.35
Power, Communications, Street Lighting and Traffic Controls	8.60
Design Fees	<u>3.40</u>
TOTAL	<u>29.22</u>

Roadways, water, wastewater, drainage, street lighting and traffic signalization systems are generally maintained and operated by public agencies while power and communication systems are maintained and operated by privately-run public utility companies.

5.1 Roadways

The estimated costs for Makai Area roadway right-of-way improvements is \$10.52 million. The estimated roadway costs include roadway excavation, base course, pavement curbs, sidewalk signs and striping, necessary intersection improvements, and major landscaping elements. (See Chapter 3 for roadway layout and dimensions.)

5.2 Water Supply System

To meet water demands expected from proposed land use activities, the water system will be upgraded in accordance with the standards of the City Board of Water Supply. The existing and proposed waterline improvements for the Makai Area are shown in *Figure V-1*. Approximately 2,200 feet of new and larger water lines will be needed to meet expected business water usage as well as fire flow requirements. Local improvements will include the installation of 8- and 12-inch water lines in major and local streets, along with new fire hydrants, water valves, manholes, and other appurtenances. Developers will be encouraged to consult with the Board of Water Supply on ways to reduce fresh water consumption. In addition, HCDA will explore the potential for alternative water systems, such as a non-potable source for irrigation purposes, thereby reducing water requirements.

The total cost for the Makai Area water system improvements for local water lines is estimated to be \$1.47 million.

5.3 Wastewater System

The proposed wastewater system improvements for the Makai Area are shown in *Figure V-2*. The system consists of a series of 8-inch, 12-inch, 15-inch, and 18-inch gravity lines and modifications to existing 48-inch and 78-inch force mains. Existing wastewater lines not needing improvement are also shown. Approximately 4,250 feet of new wastewater lines will be needed. Other improvements include the replacement of existing lines with larger lines to accommodate projected flows and meet City and County standards.

The total cost for local wastewater system improvements in the Makai Area is estimated to be \$2.88 million.

5.4 Drainage System

The proposed drainage system improvements for the Makai Area include new reinforced concrete pipe and box culverts, manholes, catch basins and/or drainage inlets at appropriate points of the system. Proposed local and major drainage lines are shown in *Figure V-3*. Approximately 2,450 feet of new pipe ranging in sizes from 24-inch up to 108-inch drain lines will be needed. Existing drain lines not needing improvement are also shown.

The total cost for drainage system improvements is estimated to be \$2.35 million.

5.5 Power, Communications, Street Lighting and Traffic Signal Systems

Gas

A gas line layout is not proposed because a system is dependent upon the potential load, number of customers, cost of installation, and other factors. Gasco, Inc. is responsible for the funding and replacement of undersized or deteriorated lines as necessary. In the future, Gasco, Inc. will decide whether to construct service mains to new customers or provide them with containerized gas.

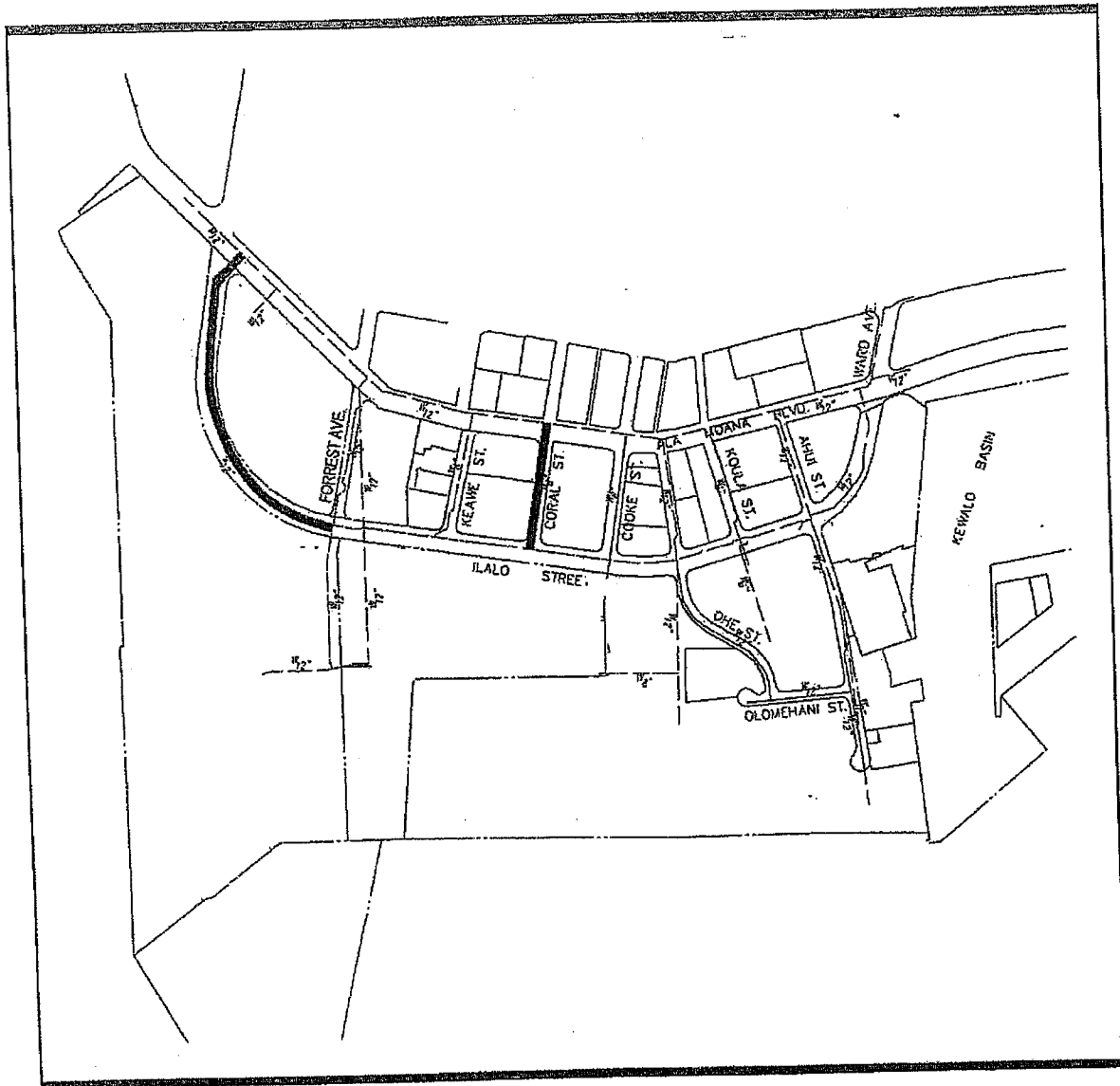


Figure V-1
Proposed Waterlines

LEGEND:

- Existing Waterlines
- Waterlines to be Abandoned
- Proposed Waterlines

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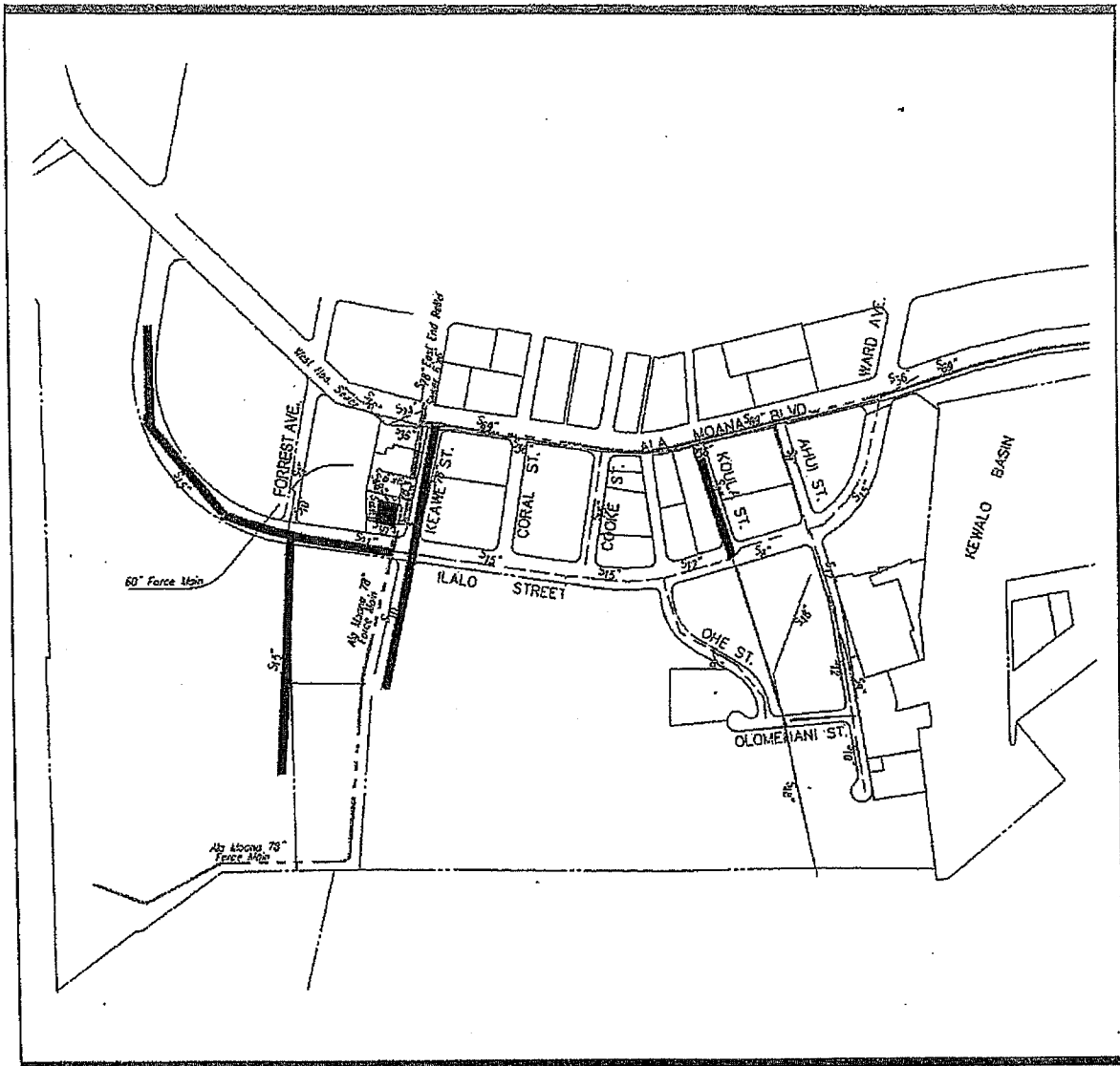


Figure V-2
Proposed Wastewater System

LEGEND:

- Existing Sewerlines
- Sewerlines to be Abandoned
- Proposed Sewerlines
- Existing Pump Station

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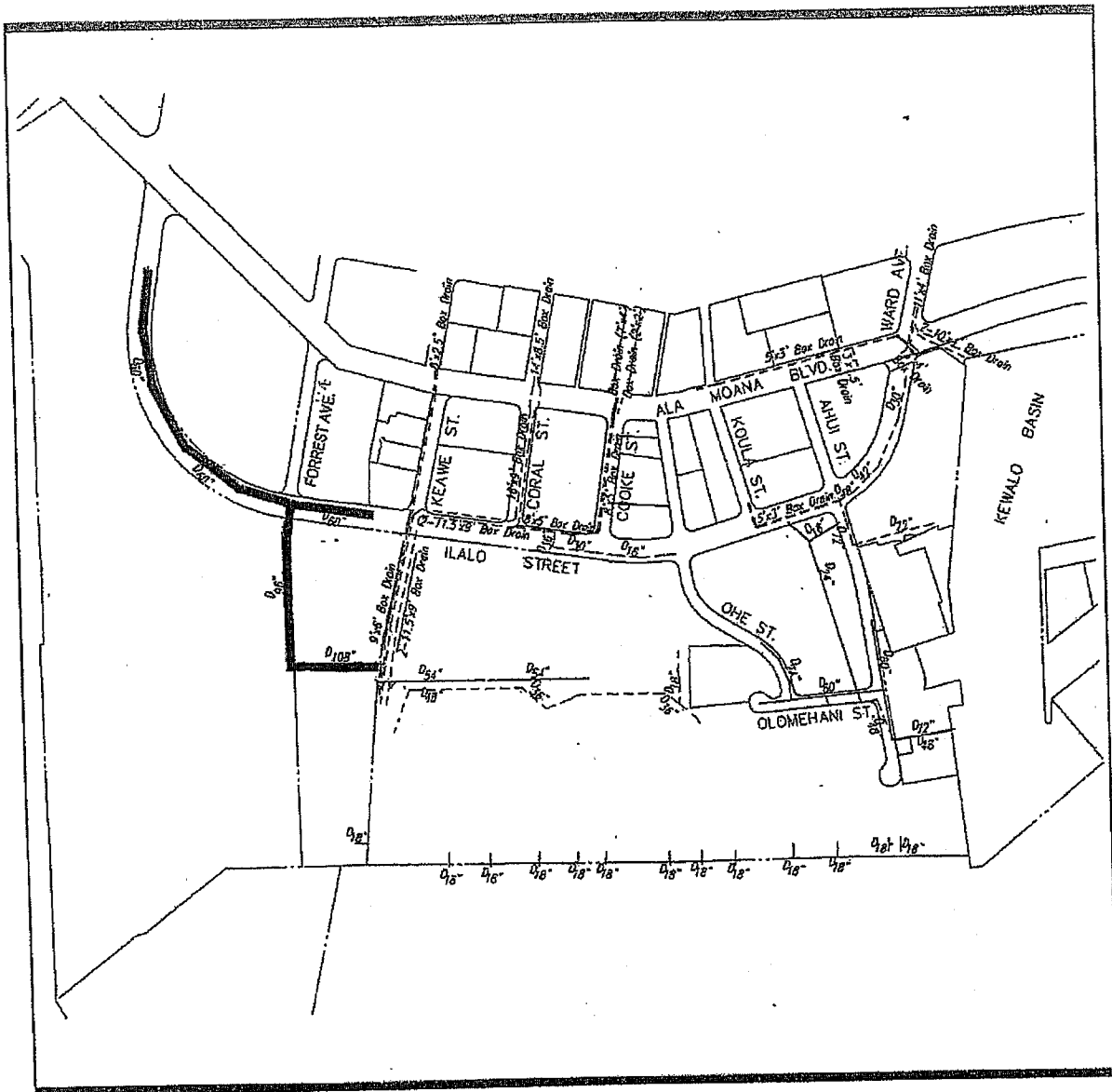


Figure V-3
Proposed Drainage System

LEGEND:

- Existing Drainage Lines
- Proposed Drainage Lines
- Existing Drainage Lines to Abandon

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Electrical Power and Communication Systems

The electrical power and communication utilities, which serve Kakaako, are privately owned by HECO, Hawaiian Telcom and Oceanic Cablevision. All overhead lines will be placed underground in concrete ductlines. Design of the improvements will conform to the standards of the utility company that owns the system. Construction of proposed underground power and communication lines on Ala Moana Boulevard will be accomplished as a Mauka Area project, and the cost to underground existing overhead utilities will be assessed to adjoining Makai Area properties in accordance with improvement district rules.

In the event that demands within the Makai Area warrant it, a new substation (funded by HECO) may be required to meet projected power requirements. HECO's policy is to increase system service capacity only when the need arises or when future loads can be anticipated with reasonable certainty. HCDA will coordinate the timing and location of the substation with HECO.

Costs for modifications to existing substations and costs associated with adding and extending lines from the substation due to increase in loads are to be paid by HECO. The existing overhead and underground facilities that are in conflict with the Plan will be removed or relocated to conform to the new layout. New construction cost will be shared for conduits and other appurtenances to relocate existing overhead facilities to new underground systems within the public rights-of-way. The funding will be shared between the government, HECO, and the property owner or developer. The property owner or developer will be responsible for HECO's service charges to individual lots. Developers will be encouraged to consult with HECO on energy saving design.

Telephone and cable TV lines will run adjacent to the electric lines within underground ducts buried in the roadways. Approximately 4,620 feet of underground conduits will need to be installed. This does not include the conduits along Ala Moana Boulevard which are included in the Mauka Area Plan. Costs to relocate existing overhead telephone lines and facilities within the area will be shared by the telephone company, the government, and the property owner or developer. Individual service costs to the customer or developer will be borne by the telephone company and the customer. All costs to relocate existing underground lines, and to provide additional electrical and telephone facilities within public right-of-ways, will be borne solely by the applicable utility company.

In addition to telephone and cable TV lines, a state-of-the-art telecommunication infrastructure system is being planned for the Makai Area. Approximately 4,620 linear feet of underground conduits are being planned as part of the overall infrastructure improvements to the Makai Area. It is envisioned that the non-utility owned conduit systems will be "installation ready" for private access providers to establish fiberoptic networks to support commercial developments in the Makai Area.

Street Lighting and Traffic Signal Systems

Street lights are located throughout Kakaako along public roadways, and the system is owned and maintained by the City and County of Honolulu. In order to make Kakaako safe and attractive, street lights will be installed as part of all new and improved roadways.

Traffic signalization in the Makai Area is presently located at street intersections along Ala Moana Boulevard. These facilities are owned and maintained by the State of Hawaii. Signal systems will be added or modified as required by improvements and as approved by the appropriate State or county agency.

Proposed improvements to the electrical, communication, street lighting and traffic signal systems are shown in *Figure V-4*. The total cost of electrical power, communication, street lighting and traffic signal systems in the Makai Area is estimated to be approximately \$8.60 million.

5.6 Support Services

Police and Fire

Police protection services are provided by the Honolulu Police Department. The Makai Area is located within the Metropolitan Police District 1 which extends from Hawaii Kai to Pearl City. District 1 headquarters is located on Beretania Street between Halemakai and Alapai Streets. Fire service is provided through the Honolulu Fire Department's Kakaako, Pawaa, and Central Stations.

Medical Services

Major medical services in the vicinity of Kakaako include Queen's Medical Center located on Punchbowl Street, Straub Clinic and Hospital located on King Street and Ward Avenue, and the Kaiser Permanente Medical Center's Honolulu Clinic on Pensacola Street. The proximity of these major medical facilities indicates that adequate medical service will be available to Makai Area workers.

6.0 MAKAI AREA FINANCIAL PROGRAM

6.1 Economic Development

The Makai Area of Kakaako has the potential to generate tremendous public benefits for the community. The land is largely owned by the State, it contains substantial ocean frontage, and is centrally located between downtown Honolulu and Waikiki. While the overriding vision is to create an active, people-oriented place with generous public amenities, it is also important to recognize the potential of the Makai Area to contribute to economic development by facilitating the growth of new businesses and jobs.

The Makai Area must be seen as an opportunity to lead the State in new economic directions. A total of 5.7 of the 7.5 million square feet of building area allowed in the Makai Area is

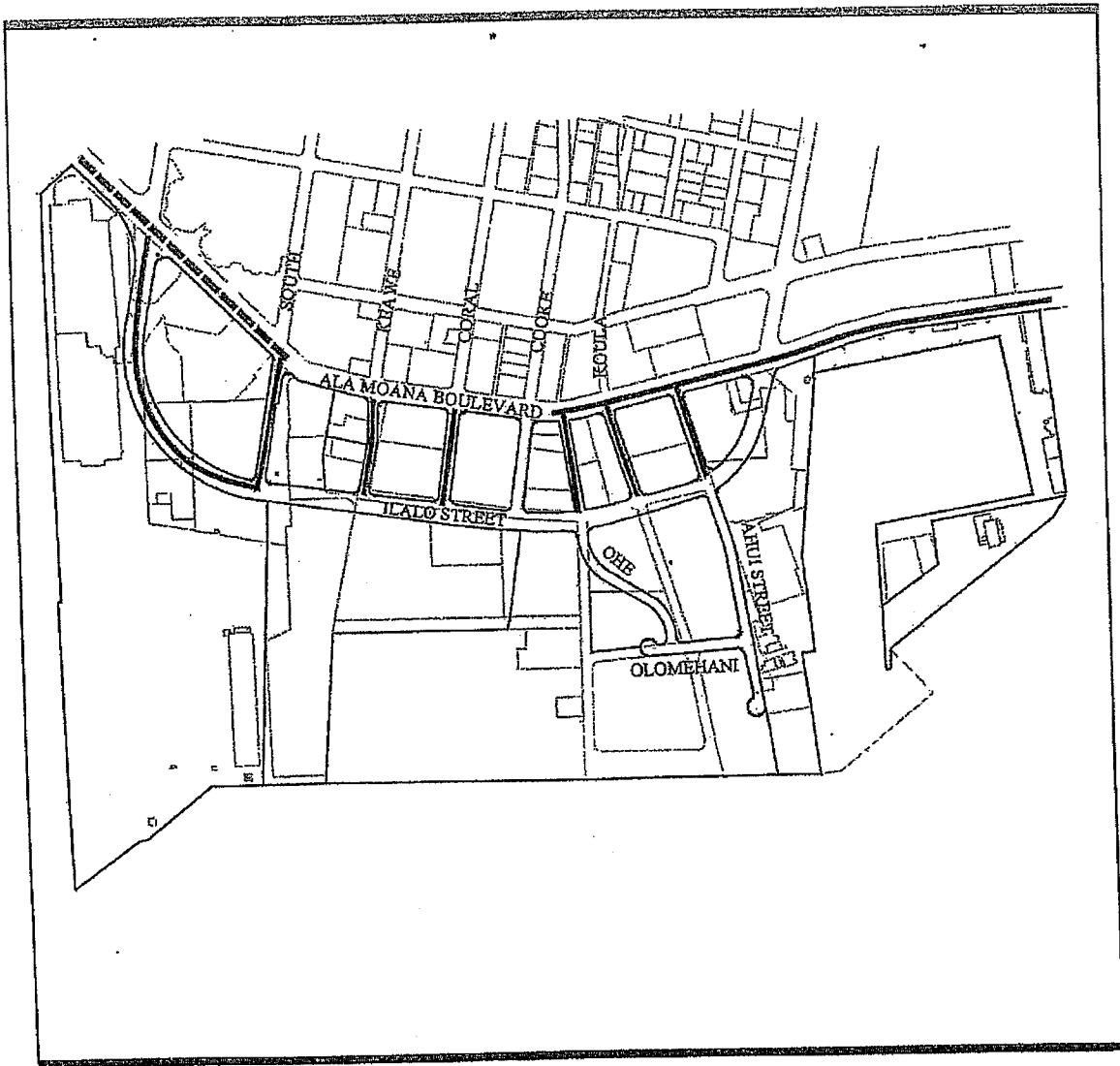


Figure V-4
Proposed Electrical and
Communication Systems

LEGEND:

- Proposed Underground Electrical (kV),
Telephone, Fiberoptic, and Cable lines
- - - - - Existing Underground Electrical (kV),
Telephone, Fiberoptic, and Cable lines

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allocated to State-owned lands. This represents a considerable amount of building space to be absorbed. Development of these lands will require a public/private partnership that combines the resources, creativity, and expertise of both to determine the appropriate new uses for the available building density and to optimize economic development.

In order to implement the Makai Area Plan and to attract the requisite private development, substantial initial expenditures will need to be made by the public sector. The expenditures will be for infrastructure and public facilities that make it possible for private development to follow. Development of new roads and utilities at the interior of the Makai Area will allow land use densities to be increased; development of public facilities, such as parks and waterfront promenades, will attract private development to adjacent parcels. The result will be increased economic activity, increased rent revenues to the State, and increased tax revenues to both the State and county.

6.2 Public Costs

Considerable public expenditure has already occurred in the Makai Area, principally for park construction and infrastructure improvements. Over the next 10-year period, the Makai Area Plan envisions further expenditures, principally for infrastructure development. A summary of past and projected construction expenditures by HCDA are presented below:

	<u>\$ Million</u>
<u>Past Costs:</u>	
Kewalo Basin Park & Facilities	\$ 3.0
Kakaako Waterfront Park	22.0
Incinerator Remediation	2.2
Kakaako Makai Gateway Park	6.7
Ward, Ilalo Improvements	28.0
Ohe, Olomehani and Ahui Street	<u>15.6</u>
Subtotal	<u>\$ 77.5</u>
<u>Projected Costs:</u>	
South, Punchbowl, Improvements	\$ 20.9
Koula, Coral, Keawe, Ohe, Olomehani Streets	<u>9.03</u>
Subtotal	<u>\$ 29.93</u>
TOTAL CONSTRUCTION COSTS	<u>\$107.43</u>

6.3 Public Returns

The direct return to the State on public expenditures in the Makai Area includes increased ground rents, development fees, and excise taxes. There are also considerable indirect returns that are more difficult to measure, such as job creation, public amenities, and recreation opportunities. Unlike traditional development projects, it is difficult to weigh public investment against returns or investment. Nevertheless, it may be helpful to review the relationship of public construction costs and increased ground rent.

Rents can be anticipated from retail, restaurants, commercial, entertainment, and office space. The major public attractions, however, are expected to pay only nominal rents, and the park and public parking garages are not expected to carry their cost of maintenance and

debt. DOT-Harbors will continue to receive rents from piers, wharves, and the Fort Armstrong area in exchange for managing the maritime activities in those areas.

6.4 Public Financing Alternatives

To the extent that HCDA may not be able to capture and pledge a predictable and established revenue flow for a bond issue, or use special assessment bonds, it must rely on State general obligation bond funding, pay-as-you-go financing from project area revenue flows, and/or private funds to pay for public improvements. To reduce dependency on general obligation bond financing, several options are possible:

- Coordinating with the City and County with respect to sharing the increment of increased property tax revenues from the planning area.
- Utilizing ground lease rentals for the following purposes: pay-as-you-go financing (thereby reducing future bonding requirements); broadening the revenue base of a public agency with existing bonding capabilities; or reimbursing a revolving fund, if one is established.
- Adopting legislation to increase the flexibility of levying special assessments or special taxes on the basis of more general benefit.

Pursuing the alternatives listed above will not completely eliminate the need for general obligation bond financing. However, HCDA may eventually be able to limit the use of general obligation bonds to those facilities which provide a more regional benefit, such as parks, or which have no other financing alternative.

6.5 Cost/Benefit

In spite of the fact that new development in the Makai Area requires relocation and upfront costs, such as infrastructure improvements, the long term benefits are substantial. Construction expenditures for infrastructure, commercial and residential development and public amenities translate into significant construction jobs. The shift from large, land-intensive uses to more productive development brings with it a dramatic increase in permanent jobs supported by the land.

In addition to the direct economic benefits, development provides an opportunity to attract new, diversified markets to Honolulu and to build an outstanding public environment with parks and open space. The land value is potentially tremendous, the site is ideally suited for the proposed new use, and the area can act as a catalyst for the development of urban Honolulu and the State economy in the 21st century.

7.0 PUBLIC FACILITIES PLAN

Chapter 206E, Hawaii Revised Statutes, mandates that “. . . Public facilities within the district shall be planned, located and developed so as to support the redevelopment policies for the district” Therefore, to implement the redevelopment policies of the Makai Area Plan, a broad range of public facilities will be necessary.

The public facilities necessary to implement the redevelopment policies of the Makai Area Plan are detailed in the Transportation Systems, Urban Design and Infrastructure sections of the Plan. Public facilities by definition include streets, utility and service corridors, utility lines, sites for schools, parks, parking garage, sidewalks, pedestrianways, community facilities, public highways, storm drainage systems, water systems, street lighting systems, off-street parking facilities and sanitary sewerage systems.

The Public Facilities Plan anticipates providing for such public facilities through the following means:

- The district-wide improvement or "Improvement District" program. The Improvement District program provides a method whereby public facilities development costs are shared among government, private property owners, and public utilities that receive special benefits from such public facilities. This funding mechanism may be used for all public facilities, although its focus has traditionally been on transportation systems and infrastructure.
- Government-funded construction of public facilities. Direct funding of certain public facilities by government can be provided through several means including the State of Hawaii's Capital Improvement Program, public facilities revenue bonds issued by HCDA, and/or rental revenues generated through property leasing by HCDA. These funding mechanisms are intended to provide for major parks and public activity areas, and other public facilities that generate direct revenues to support bond financing.
- Assessment of developers for the costs of certain public facilities that have a direct relationship or benefit to such new development. Chapter 206E-12, Hawaii Revised Statutes, mandates that ". . . The authority shall establish rules requiring dedication for public facilities of land or facilities, or cash payments in lieu thereof, by developers as a condition of development . . ." This funding mechanism is intended to provide for public facilities needs that are generated by new development as established by the policies of the Makai Area Plan. These public facilities may include certain improvements to parks, public plazas and walkways, public activity areas and public parking.
- Private development of public facilities through development rules and incentives. Development rules and incentives that provide for certain public facilities include provisions regulating urban design, public open space and activity areas, arcades and pedestrianways.

In order to achieve the objectives of the Public Facilities Plan, the redevelopment policies of the Makai Area Plan as detailed in the Transportation Systems, Urban Design and Infrastructure sections and the means discussed above to provide for public facilities shall serve as a guide for implementation of the Public Facilities Plan. All agencies of the State of Hawaii or county shall consult with the Authority at the project planning stage prior to the construction, renovation or improvement of any public facility within the Makai Area.

8.0 IMPLEMENTATION

The development strategy for public lands in the Makai Area described in the preceding chapter requires HCDA to play a role that is more entrepreneurial than custodial and regulatory. Neither public nor private interests alone can implement the strategy. HCDA must take the lead in identifying suitable private sector partners, defining terms and conditions, directing public improvements, and ensuring private performance.

8.1 General Phasing

An overall phasing program that considers lease terms, funding requirements, and achievable revenue streams has been developed. The configuration of the Plan permits a flexible phasing program, from single to multiple blocks, depending on demand. Planned redevelopment of the Kewalo waterfront and expiration of existing leases in the central area of the site will encourage a general Diamond Head-Ewa direction for phasing.

Public projects to be developed within the next five years include:

- Roadway improvements and new utilities along the west connection of Ilalo Street.
- Construction of the Cancer Research Center.
- Construction of a public office building and cultural center.

Potential private and non-profit projects to be developed within the next five years include:

- A retail, residential and restaurant complex at Kewalo Basin.
- Technology, biotechnology, commercial, residential and education offices.

8.2 Relocation

In spite of the fact that many of the leases on public land are held by public agencies, in the course of development some private businesses will be displaced. Relocation assistance is available, and the size and nature of relocation services and payments are regulated by HCDA in accordance with Chapter 15-24, Hawaii Administrative Rules. Guiding principles are summarized below:

- Minimize disruption caused by redevelopment.
- Ensure that businesses are, to the extent possible, properly relocated before permitting displacement by new development.
- Minimize or ameliorate serious negative impacts on displacees, such as loss of employment, business, or monetary losses.

- Provide counseling, information and referral services to displacees affected by private sector actions, induced or stimulated by governmental planning decisions.

Possible displacements and relocations anticipated at this time include the following:

Kewalo Basin

The Fisherman's Wharf Restaurant, and the Kewalo Shipyard (dba Honolulu Marine, Inc.), National Marine Fisheries Service and Pacific Biosciences Research Center are expected to be displaced from Kewalo Basin.

Central Area of the Kakaako Peninsula

The City and County Corporation Baseyards are expected be relocated to areas outside the Kakaako District.

8.3 Project Implementation

There are several types of projects that will be implemented in the Makai Area. All projects will be coordinated so that the sequence of development is logical and that the public benefits are balanced with private development activity.

8.3.1 Infrastructure

Infrastructure will be developed according to methods previously used in the Kakaako Community Development District for Improvement District construction. Improvements to the infrastructure will be undertaken in increments that are cost-efficient, on a scale large enough to be of significant benefit to the properties they serve. All infrastructure improvements will be coordinated to minimize disruptions to the area. For example, the construction of a roadway segment also will include the construction of drainage, wastewater, water, and other improvements required along the roadway. New development will follow the upgraded infrastructure.

8.3.2 Parks

With approximately 46.2 acres of park developed, significant attention will be paid to park enhancement. In order for park facilities to continue to meet community needs, the design phase for each area will include a review of recreational and cultural requirements.

8.3.3 Privately Initiated Projects for the Public

A number of projects that will benefit the public are anticipated to be initiated by community non-profit organizations. Appropriate proposals for cultural and educational uses will be reviewed and supported by HCDA in order to increase the public activities available in the Makai Area. Funding for these projects is assumed to be from private sources, but may also include governmental support where deemed appropriate.

8.3.4 Public and Private Development Projects

Construction of public and private development projects is anticipated to be ongoing in the Makai Area for many years. These projects will take two primary forms. The first is private development on private land. Projects are required to conform to appropriate Makai Area Plan and Rules, and will require HCDA approval.

The majority of the projects in the Makai Area belong to the second type, which are projects privately financed and developed on public lands. In this case, HCDA will take the lead in soliciting appropriate proposals. Typically, the process will likely include the following steps:

- Solicitation of Interest and Qualifications. Projects are announced publicly with attendant requests for expressions of interest which describe planned public improvements, types of private developers sought, and development schedules. Qualified respondents are then sent a request for qualifications, asking them to describe the project team, their relevant experience and their financial strategy.
- Request for Proposals. After further evaluation, a request for proposals (RFP) is issued. While requirements for proposals vary, the most successful include a detailed program, a conceptual design, proposed terms, and a financial statement.
- Proposal Review. Proposals are then reviewed, and a developer is selected pending agreement on final terms and conditions. Fulfillment of pre-construction conditions will then secure a lease for the property, and construction can begin.

Private projects developed on public lands are also required to conform to the Makai Area Plan and Rules.

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The Makai Area Plan was adopted on September 7, 2005, following a public hearing held on September 7, 2005, after public notice was given in the Honolulu Star-Bulletin, West Hawaii Today, Hawaii Tribune-Herald, The Maui News, and The Garden Island, on August 8, 2005.

This plan shall take effect upon approval.

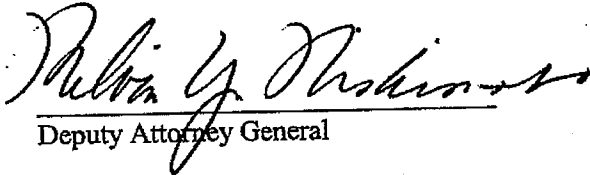


DANIEL DINELL
Executive Director
Hawaii Community Development
Authority



THEODORE LIU
Director
Department of Business, Economic
Development & Tourism

APPROVED AS TO FORM:


Deputy Attorney General

LINDA LINGLE
Governor
State of Hawaii

Date: **OCT 24 2005**

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND
TOURISM

Amendments and Compilation of Chapter 15-23
Hawaii Administrative Rules

September 7, 2005

SUMMARY

1. §15-23-5 is amended.
2. §15-23-7 is amended.
3. §15-23-8 is amended.
4. §15-23-15 is amended.
5. §15-23-22 is amended.
6. §§15-23-30 to 15-23-34 are amended.
7. §15-23-40 is amended.
8. §15-23-62 to 15-23-64 are amended.
9. §15-23-67 to 15-23-69 are amended.
10. §15-23-73 is amended.
11. §15-23-75 is amended.
12. §15-23-77 is amended.
13. §§15-23-87 to 15-23-89 are amended.
14. Chapter 23 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND
TOURISM

SUBTITLE 4

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

CHAPTER 23

THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT RULES
FOR THE MAKAI AREA

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§15-23-36 Repealed
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SUBCHAPTER 1

GENERAL PROVISIONS

§15-23-1 General purposes. (a) The legislature of the State of Hawaii, by chapter 206E, HRS, established the Kakaako community development district (hereinafter "Kakaako district"). In so doing, the legislature determined that there was a need for replanning, renewal, or redevelopment of that area. The legislature found the following with respect to the Kakaako district:

- (1) The Kakaako district is centrally located in Honolulu proper, in close proximity to the central business district, the government center, commercial and market facilities, major existing and contemplated transportation routes and recreational and service areas;
- (2) The Kakaako district, because of its present function as a service and light industrial area, is relatively underdeveloped and has, especially in view of its proximity to the

urban core where the pressure for all land uses is strong, the potential for increased growth and development that can alleviate community needs such as low- or moderate-income housing, parks and open space, and commercial and industrial facilities;

- (3) The Kakaako district, if not redeveloped or renewed, has the potential to become a blighted and deteriorated area. Because of its present economic importance to the State in terms of industry and subsequent employment, there is a need to preserve and enhance its value and potential; and
- (4) Kakaako has a potential, if properly developed and improved, to become a planned new community in consonance with surrounding urban areas.

(b) The legislature declared further that there exists within the State vast, unmet community development needs, such as:

- (1) Suitable housing for persons of low or moderate income;
- (2) Sufficient commercial and industrial facilities for rent;
- (3) Residential areas which have facilities necessary for basic livability, such as parks and open space; and
- (4) Areas which are planned for mixed uses.

The legislature declared that existing laws and private and public mechanisms have either proven incapable or inadequate to meet these needs. The legislature called upon the Hawaii community development authority to provide a new, innovative form of development and regulation to meet these needs.

(c) The legislature authorized and empowered the Hawaii community development authority to develop a community development plan for the district. It noted that the plan should include a mixed-use district whereby industrial, commercial, residential, and public uses may coexist compatibly in a vertical as well as horizontal mixture within a single development

lot. The legislature further directed that in planning for such mixed uses, the authority shall also respect and support the present function of Kakaako as a major economic center, providing significant employment in such areas as light industrial, wholesaling, service, and commercial activities.

(d) The legislature further authorized and empowered the authority to establish and adopt community development rules under chapter 91, HRS, on health, safety, building, planning, zoning, and land use which shall supersede all other inconsistent ordinances and rules relating to the use, zoning, planning, and development of land and construction thereon.

(e) In accordance with the declarations of the legislature, the authority has developed community development plans for the Kakaako district. As an integral part of implementing these plans, and in compliance with the mandate of the legislature, the authority has developed these innovative community development rules for the Kakaako district.

(f) It is the intent of the authority that these rules shall be established and adopted to implement the purposes and intent of the legislature as set forth in chapter 206E, HRS. It is the further intent of the authority that these rules shall implement the policies and programs relating to the Kakaako district as set forth in the provisions of the community development plan.

(g) So that Kakaako can be developed as an attractive and desirable urban community, the authority shall interpret these rules to encourage flexibility of design. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-1, 206E-4, 206E-5, 206E-7)

§15-23-2 Development guidance policies. The development guidance policies governing the authority's actions in the Kakaako district have been set forth by the legislature in section 206E-33, HRS.

[Eff 2/24/90; am and comp 10/10/98; comp 2/2/02;
 comp 12/9/02; comp NOV 0 3 2005] (Auth: HRS
 §206E-33) (Imp: HRS §206E-33)

§15-23-3 Title. These rules shall be known and
 may be cited as the Kakaako community development
 district rules for the makai area. [Eff 2/24/90; comp
 10/10/98; comp 2/2/02; comp 12/9/02;
 comp NOV 0 3 2005] (Auth: HRS §§206E-5, 206E-7)
 (Imp: HRS §§206E-5, 206E-7)

§15-23-4 Plan and design guidelines incorporated
 by reference. The makai area plan and makai area
 design guidelines, are hereby incorporated by
 reference and made a part of this chapter. [Eff
 2/24/90; comp 10/10/98; am and comp 2/2/02;
 comp 12/9/02; comp NOV 0 3 2005] (Auth: HRS
 §206E-5) (Imp: HRS §206E-5)

§15-23-5 Definitions. Except as otherwise
 stated in this chapter, all of the definitions
 contained in the land use ordinance of the city and
 county of Honolulu are by reference incorporated
 herein and made a part hereof. As used in this
 chapter, the following words and terms shall have the
 following meanings unless the context shall indicate
 another or different meaning or intent:

"Arcade" means a protected walkway that provides
 public pedestrian access contiguous to a building. It
 is open on at least one long dimension, except for
 structural columns, and has an average unobstructed
 ceiling height of at least twelve feet. It shall have
 a clear walkway width of at least twelve feet and not
 less than five hundred square feet of covered area,
 including the area occupied by the structural columns.
 An arcade is not more than eighteen inches above
 adjoining grade;

"Authority" means the Hawaii community development authority established by section 206E-3, HRS;

"Awning" means a temporary shelter supported entirely from the exterior wall of a building;

"Development" means the construction of a new building or other structure on a development lot, the relocation of an existing building on another development lot, or the use of a tract of land for a new use, or the enlargement of an existing building or use;

"Development lot" means any lot or a combination of lots developed in accordance with the provisions of these rules;

"Eleemosynary organization" means a society, association, or corporation engaged in religious, charitable, educational, scientific, literary, or other benevolent purposes, whose charter or other enabling act contains a provision that, in the event of dissolution, the land owned by such society, association, or corporation shall be distributed to another society, association, or corporation engaged in religious, charitable, educational, scientific, literary, or other benevolent purposes;

"Executive director" means the executive director of the authority;

"Floor area" means the area of the several floors of a building excluding unroofed areas measured from the exterior faces of the exterior walls or from the center line of party walls separating portions of a building. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above, including but not limited to elevator shafts, corridors, and stairways. Excluded from the floor area are parking facilities and loading spaces, including their driveways and accessways, attic areas with headroom less than seven feet, passageways, arcades, covered rooftop areas, and rooftop machinery equipment rooms and elevator housings on the top of buildings;

"Floor area ratio" or "FAR" means the ratio of floor area to land area expressed as a per cent or decimal which shall be determined by dividing the total floor area on a development lot by the lot area of that development lot;

"Ground elevation" means the existing grade of a sidewalk adjacent to any front yard property line or the adjacent street right-of-way line if no sidewalk exists;

"Ground floor windows" means windows extending over at least fifty per cent of the length and twenty-five per cent of the area of ground elevation walls. Ground elevation walls include all exterior wall areas up to nine feet above the ground floor that abut front yards. Ground floor windows must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.

"Hawaii capital district" means a special district established by Article 7 of the land use ordinance;

"Kakaako community development district plan", "Kakaako community development plan", or "Kakaako plan", means the development plans referred to as the "mauka area plan" and the "makai area plan";

"Kakaako special design district ordinance" means Ordinance No. 80-58 of the city and county of Honolulu, as amended;

"Land use ordinance" or "LUO" means Ordinance No. 86-96 of the city and county of Honolulu;

"Land use zone" means any zone delineated on the land use plan map of the makai area plan;

"Lot" means a duly recorded parcel of land which can be used, developed or built upon as a unit;

"Makai area" means that portion of the Kakaako district, established by section 206E-32, HRS, which is bounded by Ala Moana Boulevard, inclusive from Punchbowl Street to Piikoi Street, from Piikoi Street to its intersection with the Ewa boundary of Ala Moana Park also identified as the Ewa boundary of tax map key 2-3-37: 01; the Ewa boundary of tax map key 2-3-37: 01 from its intersection with Ala Moana Boulevard to the shoreline; the shoreline from its

intersection with the property line representing the Ewa boundary of property identified by tax map key 2-3-37: 01 to the property line between Pier 2 and Pier 4 from its intersection with the shoreline to Ala Moana Boulevard; and Ala Moana Boulevard from its intersection with the property line between lands identified by Pier 2 and Pier 4 to Punchbowl Street. The makai area also includes that parcel of land identified by tax map key 2-1-14: 16, situated mauka of Piers 6 and 7 and makai of Nimitz Highway, being the site for the existing Hawaiian Electric power plant and related facilities;

"Makai area design guidelines" means the design guidelines for the makai area adopted on February 2, 2002;

"Makai area plan" means the development plan for the makai area of the Kakaako community development district adopted on September 29, 1998, as amended on December 9, 2002 and November 3, 2005;

"Mauka area" means that portion of the Kakaako community development district, established by section 206E-32, HRS, which is bounded by King Street; Piikoi Street from its intersection with King Street to Ala Moana Boulevard; Ala Moana Boulevard, exclusive, from Piikoi Street to its intersection with Punchbowl Street; and Punchbowl Street to its intersection with King Street;

"Mauka area plan" means the development plan for the mauka area of the Kakaako community development district originally adopted on February 16, 1982, as amended January 10, 1983, May 18, 1984, September 6, 1984, April 26, 1985, August 17, 1985, July 15, 1988, June 28, 1989, January 18, 1990, July 16, 1990, September 5, 1997, August 3, 1999, and January 9, 2002;

"Mixed use" means the combination of more than one land use within a development project or area;

"MUZ" means a mixed-use zone where commercial, residential, and community service uses are permitted;

"MUZ-I" means a mixed-use zone where waterfront industrial and commercial uses are permitted;

"Nonconforming use" means an activity using land, buildings, signs, or structures for purposes which were legally established within the makai area prior to but would not be permitted as a new use in any of the land use zones established by this chapter;

"Open space" means noncontiguous, unbuilt and unobstructed spaces at ground elevation between and adjacent to public and private structures;

"Open space systems" mean continuous networks of open space that result from public rights-of-way, view corridors, building setback areas, parks and private open spaces;

"Passageway" means a ground floor, cross-block pedestrianway that facilitates pedestrian movement, is open to the public, and has a minimum clear width of thirty feet and minimum clear height of twelve feet. To qualify, a passageway shall also be open to the sky for at least twenty-five per cent of its area, and all openings to the sky must not be less than twelve feet in any dimension. Passageways must link active use areas, such as lobbies, courtyards, retail shops, and drop-offs. Passageways are exempt from parking, loading, and public facilities fee requirements.

"Platforms" mean a building form providing a base for tower structures. The platforms may contain extensive parking areas as well as other permitted uses;

"Preservation" means keeping a particular property in its present condition. The property may already be in a restored or rehabilitated condition;

"Protection" means undertaking actions or applying measures which will prevent the property from deterioration or loss or which will keep it from being destroyed or abused;

"Public improvement" means any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services;

"Public project" means any project or activity of any county or agency of the State conducted to fulfill a governmental function for public benefit and in accordance with public policy;

"Reconstruction" means the reproduction by new construction of a building, structure, object or parts thereof as it originally appeared;

"Reflective surface" means any glass or other surface, such as polished metal, specified in the manufacturer's literature having reflectance (designated by such terminology as average daylight reflectance, visible light reflectance, visible outdoor reflectance, and comparable terms) of over thirty per cent;

"Rehabilitation" means returning a property to a useful state, thus allowing it to be used while preserving those portions or features considered historically, architecturally, or culturally significant;

"Restoration" means recovering accurately the authentic form and details of a property, or a structure and its setting, usually by renovating a later work, or replacing missing earlier work;

"Tower" means a single building form which may be situated above or abutting a platform; and

"Tower footprint" means the largest area of a single floor of a building above sixty-five feet in height as measured from its exterior faces or edges.

[Eff 2/24/90; am 1/7/91; am 2/22/93; am and comp 10/10/98; am 1/13/00; am and comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-2, 206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-2, 206E-4, 206E-5, 206E-7)

§15-23-6 Rules for construction of language.

The following rules of construction apply to the text of this chapter.

- (1) The particular shall control the general;
- (2) In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, map, summary

- table, or illustrative table, the text shall control;
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive;
 - (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary;
 - (5) A "building" or "structure" includes any part thereof;
 - (6) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for";
 - (7) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity;
 - (8) Unless the context clearly indicates the contrary, where a rule involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
 - (A) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (B) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (C) "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination;
 - (9) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of kind or character. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005]

(Auth: HRS §§206E-4, 206E-7) (Imp: HRS
§§206E-4, 206E-7)

§15-23-7 Establishment of the Kakaako community development district. The Kakaako district was established by the legislature in 1976. As originally established, the district included that area bounded: by King Street; Piikoi Street from its intersection with King Street to Ala Moana Boulevard; Ala Moana Boulevard from Piikoi Street to its intersection with Punchbowl Street; and Punchbowl Street to its intersection with King Street. The legislature, during its 1982, 1987, and 1990 sessions, revised the district's boundary to include an area of approximately 221 acres makai of Ala Moana Boulevard. The district's present boundary is defined in section 206E-32, HRS, and is delineated on Exhibit 1, entitled "Makai Area Context Plan", dated September 2005, and attached at the end of this chapter. [Eff 2/24/90; am 1/7/91; am and comp 10/10/98; am 1/13/00; comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005]
(Auth: HRS §206E-32) (Imp: HRS §206E-32)

§15-23-8 Establishment and scope of controls.

(a) In harmony with the purpose and intent of chapter 206E, HRS, these rules are established by the Hawaii community development authority for the makai area of the Kakaako district controlling, regulating, and determining: the area of lots; height of buildings; minimum yards and setbacks; required open spaces; the density of buildings; the location and amount of residential uses, commercial uses, recreational uses, waterfront industrial uses, public uses, and other appropriate uses; the location of buildings and other structures; off-street loading requirements; payment of public facilities fee requirements; architectural design; urban design; historic and cultural sites; circulation criteria; environmental standards; and other appropriate regulations relating to land use, zoning, and planning for buildings and structures for

all properties within the makai area of the Kakaako district.

(b) This chapter, together with the makai area plan of the Kakaako District, shall govern all developments and use of properties within the makai area. In case of any discrepancy between the provisions of this chapter and the makai area plan, this chapter shall control.

(c) No building permit shall be issued for any development within the makai area unless the development conforms to the provisions of the makai area plan and this chapter.

(d) All developments, proposed developments, and properties within the makai area shall be subject to all of the provisions of this chapter and the makai area plan. This requirement shall apply notwithstanding the fact that at the effective date of this chapter, a city and county of Honolulu building permit has been applied for or has been issued for the developments, proposed developments, or properties; provided that such requirement shall not apply if a city and county of Honolulu building permit has been issued, substantial expenditures have been incurred, and substantial changes in the land have already occurred. Substantial changes in the land shall be evidenced by substantial excavations for foundations.

(e) No public improvement or project within the makai area shall be initiated or adopted unless it conforms to and implements the makai area plan and this chapter.

(f) Except as otherwise specifically provided, the provisions of this chapter shall supersede the provisions of the city and county of Honolulu's development plan (Ordinance No. 81-79, as amended), the provisions of the Kakaako special design district ordinance (Ordinance No. 80-58, as amended), the provisions of the Hawaii Capitol District Ordinance (Article 7, land use ordinance), and the provisions of the land use ordinance (Ordinance No. 86-96, as amended) as they all shall relate to properties within the Kakaako district. The foregoing ordinances are hereby declared to be inconsistent with this chapter,

and shall therefore be inapplicable to developments within the district unless otherwise specifically stated.

(g) Except as otherwise specifically stated in this chapter, all other rules, laws, and ordinances shall continue to remain applicable to the developments and properties within the Kakaako district.

(h) All agencies of the city and state governments shall perform their duties, functions, and powers which affect the Kakaako district in accordance with the provisions of the Kakaako plans and this chapter.

(i) Project plans that have been approved as to project eligibility shall not be required to comply with the provisions of this chapter or the makai area plan that have been amended subsequent to said approval and prior to construction. However, construction not in compliance with said amended provisions shall be regarded as nonconforming for the purposes of this chapter. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-1, 206E-4, 206E-5, 206E-7, 206E-13, 206E-33) (Imp: HRS §§206E-1, 206E-4, 206E-5, 206E-7, 206E-13, 206E-33)

§15-23-9 REPEALED. [R 10/10/98]

§15-23-10 Project eligibility review. (a) The executive director may require, prior to receipt of any application for a development permit, a project eligibility review of the development project to consider the project's relationship to the makai area plan, its impact on infrastructure facilities such as streets, pedestrian and bicycle circulation, sanitary sewers, drainage and water, and to improve efficiency and avoid unnecessary delays and expense in processing the formal development application. No development application for which a project eligibility review has

been required shall be considered until the project eligibility review has been completed.

(b) To conduct project eligibility review, the applicant shall provide sufficient information that the executive director may reasonably request, such as the proposed site plan, basic massing, floor area allocation and location of proposed uses, off-street parking and loading, pedestrian and vehicular circulation, topography (existing and proposed), and location of existing and proposed improvements and utilities.

(c) To the extent possible, project eligibility review shall be completed within thirty days of the executive director's determination to require the review.

(d) Developments shall not be approved unless adequate infrastructure facilities are or will be made available to service the proposed development prior to occupancy. The executive director may consult with applicable governmental agencies regarding the adequacy of infrastructure requirements. Any development approval may be conditioned with the requirement that the concerns and requirements of appropriate governmental agencies relative to the adequacy of infrastructure facilities for the proposed development are satisfied.

(e) Notwithstanding the requirement for a project eligibility review, potential applicants may seek preliminary review of their proposed developments with the executive director prior to submitting an application for a development permit. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-11 Development permits. (a) A development permit certifying that the development complies with this chapter and the makai area plan shall be obtained from the authority prior to the issuance of a building permit.

(b) An application to the authority for a development permit shall include complete, detailed information showing that the development complies with all of the provisions of this chapter and the makai area plan. The authority may determine the nature and extent of the information required in the application.

(c) Development permits approved by the authority or executive director may be amended by the same provided the applicant demonstrates how the amendment would advance the purposes of redevelopment and be consistent with the intent of this chapter and the makai area plan. When considering a request for amendment to a development permit, the following shall be adhered to:

- (1) A public hearing shall be held if the amendment concerns an issue that would have required a public hearing prior to issuance of a development permit and the amendment does not qualify for administrative amendment as delegated by the authority to the executive director; and
- (2) The authority or executive director, as the case may be, may attach conditions or require compliance with any other provisions of this chapter or the makai area plan.
[Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005]
(Auth: HRS §§206E-4, 206E-5, 206E-7)
(Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-12 Administration. The authority, through its executive director, shall administer the provisions of this chapter. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-13 Appeals. (a) The authority shall hear and determine appeals from the actions of the executive director in the administration of this

chapter. An appeal shall be sustained only if the authority finds that the executive director's action was based on an erroneous finding of a material fact, or that the executive director had acted in an arbitrary or capricious manner or had manifestly abused discretion.

(b) All appeals and appeal procedures shall comply with the provisions of subchapter 7 of chapter 15-16. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005 1 (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-14 Variances. (a) The authority shall hear and determine petitions for varying the application of this chapter with respect to a specific parcel of land and building, and may grant a variance based on unnecessary hardship if the record shows that:

- (1) The applicant would be deprived of the reasonable use of land or building if it were used only for the purpose allowed in that zone;
- (2) The request of the applicant is due to unique circumstances and not the general conditions in the neighborhood, so that the reasonableness of the neighborhood zoning is not drawn into question; and
- (3) The use sought to be authorized by the variance will not alter the essential character of the locality nor be contrary to the intent and purpose of this chapter or the Kakaako plan.

(b) The authority shall specify the particular evidence which supports the granting of a variance. The authority may impose reasonable conditions in granting a variance.

(c) Prior to making a determination on a variance application, the authority shall hold a public hearing. The public hearing shall afford

interested persons a reasonable opportunity to be heard.

(d) Any variance granted under the provisions of this section shall automatically terminate if a development permit for a development requiring said variance has not been issued within two years from the date of granting the variance. This time limit may be extended for a period not to exceed two years, on the authority's approval of the applicant's request and justification in writing for an extension, provided the request and justification are received by the authority at least one hundred days in advance of the automatic termination date of the variance and there are no material changes in circumstances which may be cause for denial of the extension. Prior to making a determination on a request for extension, the authority shall hold a public hearing.

(e) All requests for variances and the applicable requirements and procedures thereto shall comply with subchapter 5 of chapter 15-16. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-15 Nonconformities. (a) Except as otherwise provided, nonconforming uses of land and structures, and nonconforming lots, structures, parking, and loading within the makai area may be continued subject to the provisions of this section.

(b) Any provision to the contrary notwithstanding, existing industrial and commercial uses which meet reasonable performance standards as contained in this chapter shall be permitted to continue in appropriate locations within the district.

(c) Nonconforming uses may be permitted anywhere within the existing makai area.

(d) Nonconforming use of land shall not:

(1) Be enlarged, increased, or extended to occupy a greater area of land than was occupied on October 10, 1998;

- (2) Continue if it ceases for any reason (except where government action impedes access to the premises) for a period of more than six consecutive months or for twelve months during any three-year period; or
 - (3) Be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use on October 10, 1998.
- (e) The following requirements apply to nonconforming uses of structure:
- (1) Nonconforming use of structure shall not extend to any part of the structure which was not manifestly arranged or designed for the use on October 10, 1998; and a nonconforming use shall not be extended to occupy any land outside the structure. The structure shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered;
 - (2) Nonconforming use of structure shall not continue if it is discontinued for twelve consecutive months or for eighteen months during any three-year period;
 - (3) If structural alterations are not made, any nonconforming use of a structure, or structure and premises in combination, may be changed to another nonconforming use of the same nature, or to a more restricted use, or to a conforming use; provided that change to a more restricted use or to another nonconforming use may be made only if the relation of the structure to the surrounding property is such that adverse effects on occupants and neighboring property will not be greater than if the original nonconforming use continued;
 - (4) On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, roofs, fixtures, wiring, or plumbing, to an extent

not exceeding ten per cent of the current replacement value of the building; provided that the cubic content of the building as it existed on October 10, 1998, shall not be increased; and

- (5) Nothing contained in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of that official.

(f) The following requirements apply to nonconforming structures:

- (1) A nonconforming structure may be continued as long as it remains otherwise lawful;
- (2) A nonconforming structure may be altered in any way which does not increase its nonconformity. However, a nonconforming structure may be enlarged without satisfying the public facilities fee and open space requirements of this chapter, provided that:
 - (A) The floor area of the proposed construction does not exceed twenty-five per cent of the floor area of the structure as it legally existed on October 10, 1998, or floor area of the structure at the time of application for a development permit excluding proposed demolitions, whichever is less;
 - (B) The proposed construction does not encroach into a required yard, except that roof overhangs, eaves, sunshades, sills, frames, beam ends, projecting courses, planters, or awnings are allowed if they do not extend more than four feet from the existing structure. However, in no event shall roof overhangs, eaves, sunshades, sills, frames, beam ends, projecting courses, or planters be closer than five feet

- from the property line; and awnings may extend over the property line above public property pursuant to the provisions of paragraph (6);
- (C) The total floor area of the existing structure and the expansion do not exceed 1.5 FAR;
 - (D) The proposed construction does not exceed forty-five feet in height;
 - (E) The proposed construction does not adversely affect neighboring properties;
 - (F) The parking requirements of this chapter are satisfied for the area proposed to be constructed; and
 - (G) The area created by the proposed construction will be utilized for a permitted use;
- (3) Any provision of these rules to the contrary notwithstanding, if a nonconforming structure is proposed to be partially acquired as part of an improvement district or other public project, the remainder of the structure may be demolished and the equivalent floor area reconstructed on the lot without satisfying the public facilities fee and open space requirements of this chapter, provided that the executive director shall find that the proposed reconstruction will be utilized for a permitted use, is practically and aesthetically superior to that which would otherwise result if the partially acquired structure was refaced at the new property line, and does not substantially increase nonconformity. Any additional floor area created by the proposed reconstruction shall be subject to the applicable requirements of this chapter;
- (4) If a nonconforming structure is destroyed by any means to an extent of more than fifty per cent of its replacement cost at the time

of destruction, it shall not be reconstructed except in conformity with the provisions of these rules.

Except as otherwise provided herein, no nonconforming structure that is voluntarily razed or required by law to be razed by the owner thereof may thereafter be restored except in full conformity with the provisions of this chapter;

- (5) If a nonconforming structure is moved for any reason, it shall thereafter conform to the applicable rules of this chapter after it is moved;
- (6) Any awning may extend from a nonconforming structure over public property, provided approvals from the appropriate governmental agencies are secured and the awning does not extend more than four feet from the face of the building to which it is attached; and
- (7) Upon satisfaction of the zoning adjustment provision set forth in section 15-23-21, walls and fences may project into or enclose any part of any front yard provided that the wall or fence does not exceed a height of six feet and front yard nonconformities already exist on the development lot.
 - (g) The following requirements apply to nonconforming lot:
 - (1) A nonconforming lot shall not be reduced in area, width, or depth, except because of a government project that is intended to further the public health, safety, or welfare or the intent of the makai area plan;
 - (2) Any conforming structure or use may be constructed, enlarged, extended, or moved on a nonconforming lot as long as all other requirements of this chapter are complied with.
 - (h) Nonconforming parking and loading may be continued, subject to the following provisions:

- (1) If there is a change in use which has a greater parking or loading requirement than the former use, additional parking and loading shall be required and shall not be less than the difference between the requirements for the former use and the proposed use; and
- (2) Off-street parking and loading requirements of this chapter shall be satisfied for additional floor area constructed. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005 1 (Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-33) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-33)]

§15-23-16 Application fees. (a) Applications for which a public hearing is required shall be accompanied by an application fee. The application fee shall consist of the following:

- (1) A nonrefundable processing fee of \$200 to defray expenses associated with staff review, preparation of a report to the authority, and to conduct the public hearing; and
- (2) A fee for the publication and transmittal of the hearing notice. The cost of the hearing notice shall be refunded only if the public hearing notice has not been submitted to the publishing agency. If a joint hearing is held for more than one permit requiring a public hearing for a single development project, only one public hearing fee shall be charged.

(b) Government agencies shall be exempt from all fees required by this chapter. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005 1 (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)]

§15-23-17 Violations. (a) The authority may maintain an action for an injunction to restrain any violation of this chapter or the makai area plan, and may take lawful action to prevent or remedy any violation.

(b) When a violation is found to have occurred the executive director shall require that corrective action be taken and may impose administrative penalties pursuant to subchapter 8 of chapter 15-16. [Eff 2/24/90; am 10/3/94; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-22) (Imp: HRS §206E-22)

§15-23-18 Amendments. This chapter may be amended pursuant to chapter 91, HRS, as may be necessary. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-19 Severability. (a) If a court of competent jurisdiction finds any provision or provisions of this chapter to be invalid or ineffective in whole or in part, the effect of that decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of these rules shall continue to be separately and fully effective

(b) If a court of competent jurisdiction finds the application of any provision or provisions of this chapter to any zoning lot, building or other structure, or tract of land to be invalid or ineffective in whole or in part, the effect of that decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth:

HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-20 Interpretation by the executive director. (a) In administering this chapter, the executive director may when deemed necessary render written interpretations to clarify or elaborate upon the meaning of specific provisions of this chapter for intent, clarity and applicability to a particular situation.

(b) A written interpretation shall be signed by the executive director and include the following:

- (1) Identification of the section of this chapter in question;
- (2) A statement of the problem;
- (3) A statement of interpretation; and
- (4) A justification statement.

(c) A written interpretation issued by the executive director shall be the basis for administering and enforcing the pertinent section of this chapter. All written interpretations rendered pursuant to these rules shall be public record, and shall be effective on the date signed by the executive director. [Eff. 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-21 Zoning adjustments and waivers. (a) When a development standard contained in this chapter identifies specific circumstances under which a revision is appropriate, an applicant may request an adjustment to the standard. An adjustment request is to be filed with supporting material specifying the requested adjustment and the manner in which the proposed project qualifies for the adjustment. A request for adjustment shall be approved by the executive director upon finding that criteria for the adjustment specified in the standard are satisfied.

(b) The strict application of the development or design standards of this chapter may be waived by the

executive director for public uses and utility installations. The granting of the waiver shall not, under the circumstances and conditions applied in the particular case, adversely affect the health and safety of persons, and shall not be materially detrimental to the public welfare or injurious to nearby property improvements. The burden of proof in showing the reasonableness of the proposed waiver shall be on the applicant seeking the waiver.

[Eff 10/10/98; comp 2/2/02; comp 12/9/02;
comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5,
206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-22 Automatic approvals. (a) The following development-related permits and approvals shall be deemed approved if no decisions are made granting or denying them within the following review periods:

- (1) Master plan permits: 200 days;
- (2) Development permits: 160 days;
- (3) Certificates of appropriateness: 160 days;
- (4) Conditional use permits for off-site parking or joint use of parking: 160 days;
- (5) Variances: 100 days;
- (6) Modifications: 100 days;
- (7) Certificates of project eligibility: 60 days;
- (8) Conditional use permits for vacant land: 30 days;
- (9) Zoning adjustments and waivers: 30 days; and
- (10) Temporary use permits: 10 days.

(b) The review period shall commence upon submission of a complete application. In the event that no decision is rendered on the application within ten days of the submission of a complete application, the applicant shall be notified of the date for automatic approval.

(c) When a proposed project requires more than one permit or approval or both listed in subsection

(a), the applicant may apply for some or all such approvals concurrently. The review period for concurrent applications shall be based on the permit or approval with the longest review period.

(d) Application filing procedures and preparation guidelines may be provided to assist applicants. [Eff 1/13/00; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§§15-23-23 to 15-23-29 (Reserved)

SUBCHAPTER 2

LAND USE ZONE RULES

§15-23-30 Establishment of land use zones.

Within the makai area, there are hereby established the following land use zones:

- (1) Mixed-use zone (MUZ);
- (2) Waterfront commercial (WC);
- (3) Mixed-use zone industrial (MUZ-I);
- (4) Park (P); and
- (5) Public use areas (PU).

The boundaries for each zone are set forth in Exhibit 2 entitled "Land Use Zones"; dated September 2005, and attached at the end of this chapter. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §206E-7) (Imp: HRS §206E-7)

§15-23-31 MUZ zone: purpose and intent. The mixed-use zone (MUZ) established by this chapter is designed to promote and protect the public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (1) To provide a subdistrict whereby a variety of residential and commercial uses may coexist compatibly within the same area. The emphasis within this zone shall be to develop a mixed-use multi-storied area which will provide housing, jobs, and other employment opportunities. In addition, the area will support a variety of appropriate community facilities for residents and workers;
- (2) To create a truly vibrant living and working environment by regulating the density and bulk of buildings in relation to the land around them and to one another, by requiring the provision of open space and encouraging the development of job opportunities;
- (3) To provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms; and
- (4) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential and commercial development, to protect the character of the district and its peculiar suitability for particular uses, and to conserve the value of land and buildings. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)]

§15-23-32 MUZ zone: use rules. Within the mixed-use zone (MUZ), the following uses and structures shall be permitted:

- (1) Commercial uses:
 - (A) Shopping center complexes;
 - (B) Food markets, stores, delicatessens, bakeries;

- (C) Drug stores;
- (D) Liquor stores;
- (E) General merchandise;
- (F) Apparel and accessories;
- (G) Eating or drinking establishments;
- (H) Hardware stores;
- (I) Furniture, home furnishing, and equipment;
- (J) Stationery stores;
- (K) Variety stores;
- (L) Personal service establishments, including: barber shops, beauty shops, shoe repair shops, dry cleaning, dyeing, laundry, pressing, dressmaking, tailoring, and garment repair shops;
- (M) Business, vocational, and language schools;
- (N) Banks and financial institutions, insurance, and real estate offices;
- (O) Greenhouses and plant nurseries;
- (P) Private clubs, lodges, social centers, eleemosynary establishments, and athletic clubs;
- (Q) Theaters, museums, art galleries, libraries, historical sites;
- (R) Repair services for radio, television, bicycles, business machines and household appliances, other than those with internal combustion engines;
- (S) Commercial condominiums;
- (T) Commercial entertainment and recreation facilities (indoor and outdoor);
- (U) Radio and television studios and other communication uses, excluding towers;
- (V) Medical and health services;
- (W) Legal, engineering, accounting, and other professional services;
- (X) Offices, professional clinics, studios, medical and research laboratories;
- (Y) Retail establishments, including incidental manufacturing of goods for sale only at retail on the premises;

- (Z) Motor vehicle and vehicle accessory establishments (sales, rentals, and service);
 - (AA) Miscellaneous retail trade store;
 - (BB) Miscellaneous business services, including: watch, clock, and jewelry repair; typewriter repair; armature rewinding; general fix-it shop; advertising firm; employment agency; services to dwellings (window cleaning, insect exterminating); and management areas;
 - (CC) Governmental services administrative;
 - (DD) Military recruiting stations;
 - (EE) Outdoor private land recreation (operated for profit);
 - (FF) Travel agencies;
 - (GG) Parking garages (enclosed);
 - (HH) Laundry, laundry and cleaning service, (includes self-service laundry);
 - (II) Radio/TV broadcasting, excluding towers;
 - (JJ) Motion picture recording and sound studios;
 - (KK) Miscellaneous business services, including duplicating, blueprinting, linen supply, services to dwellings, typewriter repair, armature rewinding, and general fix-it shop; and
 - (LL) Personal services establishments, including: shoe repair shops, dry cleaning, dyeing, pressing, dressmaking, tailoring, and garment repair shops.
- (2) Residential uses: Multi-family dwellings, including apartments, assisted living facilities, public housing, condominiums, dormitories, rooming houses, townhouses, townhouse condominium and model units.
 - (3) Community service uses:
 - (A) Nursing clinics and convalescent homes, and nursing facilities, assisted living

- administration, or ancillary assisted living amenities for the elderly and people with disabilities;
- (B) Child care, day care, and senior citizen centers;
 - (C) Nursery schools and kindergartens;
 - (D) Churches;
 - (E) Charitable institutions and nonprofit organizations;
 - (F) Public uses, including: public safety facilities; post offices; hospitals; miscellaneous health and medical facilities; educational institutions; cultural centers/ libraries; religious institutions; public school/park complexes; outdoor public land recreation; indoor public recreation; personal development centers; and utility substations, provided that utility substations other than individual transformers shall be surrounded by a wall, solid except for entrances and exits, or by a fence with a screening hedge six feet in height; provided also that transformer vaults for underground utilities and like uses shall require only a landscape screening hedge, solid except for access opening; and
 - (G) Consulates.
- (4) Uses and structures which are customarily accessory and clearly incidental and subordinate to the principal uses and structures. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-33 WC zone: purpose and intent. The waterfront commercial zone (WC) established by this

chapter is designed to promote and protect the public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (1) To promote an environment where residential and retail commercial uses will coexist compatibly alongside maritime uses; and
- (2) To promote the most desirable use of land and adjacent water uses in accordance with a well-considered plan, to promote stability of surrounding land uses, to protect the character of the district and its peculiar suitability for particular uses, and to conserve the value of land and buildings.
[Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §206E-4, 206E-5, 206E-7)

§15-23-34 WC zone: use rules. Within the waterfront commercial zone (WC), the following uses and structures shall be permitted:

- (1) Commercial uses:
 - (A) Food markets, stores, delicatessens, bakeries;
 - (B) Drug stores;
 - (C) Liquor stores;
 - (D) General merchandise;
 - (E) Apparel and accessories;
 - (F) Eating and drinking establishments;
 - (G) Furniture, home furnishing, and equipment;
 - (H) Variety stores;
 - (I) Passenger transportation terminals;
 - (J) Theaters, museums, art galleries, libraries, and historical sites;
 - (K) Commercial recreation and entertainment facilities; and
 - (L) Offices, professional offices, travel agencies, and other office uses.

- (2) Residential uses: Multi-family dwellings, including apartments, assisted living facilities, public housing, condominiums, dormitories, rooming houses, townhouses, townhouse condominium and model units.
- (3) Maritime uses:
 - (A) Fish and seafood wholesaling and retailing;
 - (B) Aquariums and museums;
 - (C) Piers, wharves, and docks;
 - (D) Terminals for passengers arriving or departing by ship ferry or watertaxi; and
 - (E) Sales offices for commercial maritime operations.
- (4) Uses and structures which are customarily accessory and clearly incidental and subordinate to the principal uses and structures. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-35 REPEALED. [R 10/10/98]

§15-23-36 REPEALED. [R 10/10/98]

§15-23-37 MUZ-I zone: purpose and intent. The purpose of the mixed-use zone industrial (MUZ-I) established by this chapter is designed to promote and protect the public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (1) To provide a subdistrict whereby a variety of waterfront industrial and commercial uses may coexist compatibly within the same area. The emphasis within this zone shall be to develop a predominantly waterfront

industrial area which will provide jobs and other employment opportunities. In addition, the area will support a variety of appropriate commercial and community facilities for workers;

- (2) To ensure that harbor-related industrial activities that are vital to the performance of the port functions at Piers 1 and 2 are continued and facilitated; and
- (3) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of industrial and commercial development, to protect the character of the district and its peculiar suitability for particular uses, and to conserve the value of land and buildings.
[Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005 1
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-38 MUZ-I zone: use rules. Within the mixed-use zone industrial (MUZ-I), the following uses and structures shall be permitted:

- (1) Waterfront industrial uses:
 - (A) Piers, wharves and docks;
 - (B) Terminals for passengers arriving or departing by ship ferry or watertaxi;
 - (C) Sales offices for commercial maritime operations;
 - (D) Boating and fishing services and supplies;
 - (E) Fish and seafood wholesaling;
 - (F) Utilities installations; and
 - (G) Maritime fuel operations.
- (2) Commercial uses:
 - (A) Food markets, stores, delicatessens, bakeries;
 - (B) Drug stores;
 - (C) Liquor stores;

- (D) General merchandise;
 - (E) Apparel and accessories;
 - (F) Eating and drinking establishments;
 - (G) Furniture, home furnishing, and equipment;
 - (H) Variety stores;
 - (I) Passenger transportation terminals;
 - (J) Theaters, museums, art galleries, libraries, and historical sites;
 - (K) Commercial recreation and entertainment facilities; and
 - (L) Offices; professional offices, travel agencies, and other office uses.
- (3) Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-39 MUZ-I zone: development standards.
 The following shall apply to waterfront industrial uses within the MUZ-I zone:

- (1) On-site open space shall not be required;
- (2) One off-street parking space for every two employees or one space per one thousand square feet of floor area, whichever is greater, shall be required; and
- (3) Public facilities fees shall not be required. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-40 Park areas. Within areas designated "Park" (P), the following uses shall be permitted:

- (1) Amphitheaters;

- (2) Performing arts centers;
- (3) Museums, art galleries and workshops;
- (4) Aquariums and [marine] research facilities;
- (5) Active and passive recreation;
- (6) Gardens, greenhouses;
- (7) Parking;
- (8) Exploratoriums; and
- (9) Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures. The authority may allow other uses, provided that such other uses shall further the purpose and intent of this chapter and the makai area plan.

In circumstances where there may be uncertainty about applicable provisions, the executive director shall determine which land use zone provisions apply. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-41 Public areas. Within areas designated "Public" (PU), the provisions applicable to the adjacent land use zone shall apply. In addition, the following uses shall be permitted:

- (1) Utility substations;
- (2) Museums; and
- (3) Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures.

In circumstances where there may be uncertainty about applicable provisions, the executive director shall determine which land use zone provisions apply. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-42 Minimum lot area, width and depth. Subdivision of any parcel within any land use zone shall result in a lot area of no less than ten thousand square feet and a lot width and depth of no less than sixty feet, provided no minimum subdivided lot area, width and depth shall apply to permanent off-site parking facilities, street and utility improvement projects, and public utility lots or easements used solely for utility facilities such as transformers, switch vault substations, and pumping stations. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-43 Subdivision and consolidation. The subdivision or consolidation of land within any land use zone shall be processed and approved by the city and county of Honolulu. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§§15-23-44 to 15-23-59 (Reserved)

§15-23-60 Additional development requirements. In addition to the requirements of the respective land use zones specified in this subchapter, the development requirements of subchapter 3 relating to any development, irrespective of the land use zone in which it is located, shall be applicable unless specifically provided otherwise. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5; 206E-7)

SUBCHAPTER 3

GENERAL DEVELOPMENT REQUIREMENTS

§15-23-61 Purpose and intent. The purpose of this subchapter is to set forth standards relating to development which are generally applicable to any use or site, irrespective of the land use zone in which it is located. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-62 Density. The maximum floor area ratio (FAR) for any development lot within any land use zone shall be as set forth in Exhibit 3, entitled "Maximum Height and Density Plan", dated September 2005, and attached at the end of this chapter. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-63 Heights. (a) No portion of any building or other structure located within any land use zone shall exceed the height set forth in Exhibit 3, entitled "Maximum Height and Density Plan", dated September 2005, and attached at the end of this chapter.

(b) The height of any structure shall be measured from ground elevation, except where finish grade is higher than ground elevation in order to meet city construction standards for driveways, roadways, drainage, sewerage and other infrastructure requirements.

(c) The following building elements or features and associated screening shall be exempt from height limits subject to the following restrictions:

- (1) Necessary utilitarian features including:
stairwell enclosures, safety railings,

ventilators, and skylights; decorative or recreational features, including rooftop gardens, planter boxes, flag poles, spires, parapet walls or ornamental cornices; roof-mounted mast, whip and dish antennae; and energy-saving devices, including heat pumps and solar collectors, may exceed the height limit by not more than twelve feet; and

- (2) Vent pipes, fans, roof access stairwells, and structures housing rooftop machinery, such as elevators and air-conditioning, and chimneys, may exceed the height limit by not more than eighteen feet.

(d) Miscellaneous building elements may exceed the height limit subject to the zoning adjustment process specified in section 15-23-21.

(e) Auditoriums, amphitheaters, and performing arts centers may exceed the height limit as approved by the executive director.

(f) Rooftop features which principally house elevator machinery and air-conditioning equipment may extend above the governing height limit for structures subject to the zoning adjustment provision set forth in section 15-23-21 and the following conditions:

- (1) If the elevator cab opens on the roof, machinery may not be placed above the elevator housing;
- (2) The highest point of the roofing treatment shall not exceed five feet above the highest point of equipment structures; and
- (3) Areas proposed to be covered by the rooftop feature will not be counted as floor area, provided they are used only for the housing of rooftop machinery. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005 1
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-64 Yards. (a) Every yard bounded by a street shall be a front yard. A minimum front yard of

fifteen feet in depth shall be required for each development lot. The minimum front yard may be waived if commercial use is provided at grade that enhances the pedestrian environment. Notwithstanding the foregoing, the block bounded by Ala Moana Boulevard, Cooke, Ilalo, and Coral Streets shall have a minimum front yard of thirty feet in depth on its Cooke Street boundary and no front yard shall be required on its Coral Street boundary.

(b) The minimum side and rear yard requirements shall be as follows:

- (1) For structures without windows or openings facing side or rear property lines, no side or rear yard shall be required;
- (2) For structures containing windows or openings facing side or rear property lines, the minimum side yard shall be ten feet, and the minimum rear yard shall be ten feet; and
- (3) Parking spaces may extend to side and rear property lines through the zoning adjustment process specified in section 15-23-21, subject to the following conditions:

(A) An area or areas of required yards equivalent to the area to be used for parking or accessory use structures is provided elsewhere on the zoning lot. This equivalent area shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang yard areas up to three feet if wheel stops are installed. A minimum of fifty per cent of the equivalent area shall be contiguous to the street frontage abutting the zoning lot.

(B) Any parking floor situated within ten feet of the property line shall not be more than four feet above existing grade.

(c) Yard widths shall be measured perpendicular to lot lines, except that front yards shall be measured perpendicular to the street right-of-way or

the established street setback line, whichever is the greater distance from the street center line.

(d) All required yards shall be landscaped pursuant to section 15-23-142.

(e) No business or structure shall be carried on or located within any required yard except as follows:

- (1) Up to fifty per cent of the lot frontage may be used for outdoor dining areas, provided they are covered with umbrellas, awnings, or trellises, and remain open on the sides during business hours;
- (2) Dispensers for newspaper sales and distribution are permitted;
- (3) Porte cocheres and pergolas may be allowed with approval of the executive director; and
- (4) Bicycle parking, including a fixed bicycle rack for parking and locking bicycles.

(f) Roof overhangs, eaves, sunshades, sills, frames, beam ends, projecting courses, planters, awnings, and other architectural embellishments or appendages, and minor mechanical apparatus with less than a thirty-inch vertical thickness may project into the required yards no more than five feet.

(g) Retaining walls within required yards shall not exceed a height of three feet. A safety railing, not capable of retaining earth or exceeding forty-two inches may be erected on top of the retaining wall. The executive director may allow modification of the maximum height based on safety or topography. Walls and fences may project into or enclose any part of any yard, except required front yards, provided that the fence or wall shall not exceed a height of six feet.

(h) Parking and loading including related maneuvering area or aisle shall not be allowed in any required yard or street setback area, except that parking spaces may overlap required front yards by three feet if wheel stops are installed. [Eff

2/24/90; am and comp 10/10/98; am 1/13/00; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-65 Open space. (a) Open space is that portion of a development lot, exclusive of required yards, setback areas, or parking areas, which is:

- (1) Open and unobstructed overhead;
- (2) Landscaped or maintained as a recreational or social facility;
- (3) Not to be used for driveways, loading purposes, or storage, or for the parking of vehicles; and
- (4) Visible and open to the public during normal business hours.

(b) Berms, landforms, or underground structures covered with landscape treatment including artificial turf, shall be considered as part of the required open space, provided that open space shall not exceed four feet from the sidewalk elevation.

(c) For any development lot within any land use zone, except lands entirely devoted to waterfront industrial uses in the MUZ-I zone:

- (1) The minimum amount of open space shall be the lower of:
 - (A) Twenty per cent of the development lot area; or
 - (B) Thirty per cent of the development lot area less required yard areas;
- (2) The minimum required open space may include both of the following:
 - (A) Up to twenty-five per cent of an adjacent front yard provided that:
 - (i) At least one-half of the open space is entirely in one location and proportioned to a maximum length-to-width of 2:1; and
 - (ii) One linear foot of seating is provided for each thirty square feet of open space;
 - (B) Up to twenty-five per cent of any passageways or arcades.

(d) Open space requirements for developments on lots of 40,000 square feet or less shall be according to the following table. For lot areas between 10,000

and 40,000 square feet, the minimum open space is proportional to the parameters of the lots enumerated in the following table:

<u>Lot Area</u> (square feet)	<u>Minimum Open Space</u> (Per cent of lot area)
40,000	20
20,000	10
10,000 or less	0

[Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-66 REPEALED. [R 10/10/98]

§15-23-67 Building envelopes. Building envelopes for developments shall conform with requirements set forth in Exhibit 4, entitled "Maximum Building Envelope", dated September 2005, attached at the end of this chapter. Towers shall generally be oriented with the long axis in the mauka-makai direction. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-68 Off-street parking. (a) Except as otherwise provided in this chapter, the minimum number of required off-street parking spaces for development lots within any land use zone shall be as specified in the following table:

OFF-STREET PARKING REQUIREMENTS

<u>Use</u>	<u>Requirement</u>
Auditoriums	One per three hundred square feet of assembly area or one per ten fixed seats, whichever is greater.
Churches and theaters	One per every five fixed seats or fifty square feet of general assembly area, whichever is greater.
Commercial and all other uses	One per four hundred square feet of floor area.
Daycare facilities	One per ten enrollment capacity.
Eating and drinking establishments	One per three hundred square feet of eating and drinking area, plus one per four hundred square feet of kitchen or other area.
Multi-family dwellings (including reserved housing units):	
600 sq. ft. or less	0.9 per unit
More than 600 but less than 800 sq.ft.	1.13 per unit
800 sq.ft. and over	1.35 per unit

<p>Nursing clinics and convalescent homes, and special-care homes for the elderly and people with disabilities</p>	<p>0.9 per four patient beds, dwelling units, or lodging units.</p>
<p>Schools: language, vocational, business, technical and trade, colleges or universities</p>	<p>One for each ten students of design capacity, plus one per four hundred square feet of office floor area.</p>
<p>Waterfront industrial uses</p>	<p>One per one thousand square feet of floor area or one on-site space per every two employees, whichever is greater. On-site parking areas within this zone are not required to be enclosed.</p>

(b) The following are to be used in determining the required number of off-street parking spaces:

- (1) Where a proposed use is applicable to more than one use listed in the table in subsection (a), or where there may otherwise be uncertainty as to the off-street parking requirement for a proposed use, the executive director will review the proposed use and determine its equivalent and applicable off-street parking requirement;
- (2) When computation of required parking spaces results in a fractional number, the number of spaces required shall be the nearest whole number;
- (3) In churches and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities each twenty-four inches of width shall be

counted as a seat for the purpose of determining requirements for off-street parking;

- (4) All required parking spaces shall be standard-sized parking spaces; and
- (5) When a building or premise includes uses incidental or accessory to a principal use, the total number of spaces required shall be determined on the basis of the parking requirements of the principal use or uses, except that if the accessory use creates a larger parking demand than the principal use, the number of required parking spaces shall be determined on the basis of the parking requirement for each respective use.

(c) The following are general standards for parking lots or areas:

- (1) All parking and drive areas shall be provided and maintained with an all-weather surface, except as otherwise provided in this chapter;
- (2) Parking areas, if illuminated, shall be illuminated in such a manner that all light sources are shielded from the direct view of adjacent lots;
- (3) Ingress and egress aisles shall be provided to a street and between parking bays, and no driveway leading into a parking area shall be less than twelve feet in width. In addition, minimum aisle widths for parking bays, except mechanical parking areas, shall be provided in accordance with the following table:

<u>Parking Angle</u> <u>(in degrees)</u>	<u>Aisle Width</u> <u>(in feet)</u>
0-44	12
45-59	13.5
60-69	18.5
70-79	19.5
80-89	21
90	22

Notwithstanding the foregoing, with a parking angle of ninety degrees, the minimum aisle width may be reduced by one foot for every six inches of additional parking space width above the minimum width of eight feet three inches, to a minimum aisle width of nineteen feet;

- (4) Where four or more parking spaces are required, all parking areas shall be designed or arranged in a manner that no maneuvering into any street, alley, or walkway is necessary in order for a vehicle to enter or leave the parking space, and which allows all vehicles to enter the street in a forward manner;
- (5) Developments may have open or uncovered parking at grade. Developments which provide parking in a structure shall contain a roof or trellis within the allowable height limit and walls on at least three sides. The walls shall be at least forty-two inches high and shall screen parked vehicles. Parking located on a roof shall be allowed subject to the zoning adjustment provision set forth in section 15-23-21, subject to the following conditions:
 - (A) Negative impacts or incompatibilities with adjacent properties shall be mitigated; and
 - (B) Appropriate screening with architectural or landscaping elements shall be provided;
- (6) Grade level open or uncovered parking areas with more than ten spaces shall provide at least eight per cent of the gross parking and driveway area as interior parking area landscaping. Interior parking area landscaping is defined as landscaped areas not counted as open space or required yard setbacks situated between parking stalls. The interior parking area landscaping shall consist of planter areas, each containing

one tree of at least two-inch caliper with ground cover or shrubs at the base dispersed within the parking area. Trees within the planter area shall be limited to shade or flowering trees such as monkeypod, rainbow shower, poinciana, wiliwili, or autographs; and

- (7) For new developments or enlargement of nonconforming structures, parking may be open or uncovered at grade but shall be buffered or screened from any right-of-way by a hedge of at least forty-two inches in height, provided the hedge shall not be required for vehicular sales or rental establishments. The hedge may be located in required yards or open space. Cars shall not be parked so as to protrude into required yards or open space, except as provided by section 15-23-64(b)(3).

(d) The following are general standards for parking spaces:

- (1) All spaces shall be individually marked if more than four spaces are required;
- (2) All spaces shall be unobstructed, provided a building column may extend a maximum total of six inches into the sides of the parking space. A wall is not considered a building column;
- (3) Standard-sized parking spaces shall be at least eighteen feet in length and eight feet three inches in width with parallel spaces at least twenty-two feet in length; and
- (4) All spaces shall be so arranged that any automobile may be moved without moving another, except that tandem parking shall be permissible in instances where the parking spaces are used for employee parking, where all parking is performed by an attendant at all times, or for public assembly facilities and temporary events, including church

services and activities where user arrivals and departures are simultaneous and parking is attendant directed. Tandem parking for employee parking shall be limited to a configuration of two stacked parking stalls and at no time shall the number of parking spaces allocated for employees exceed twenty-five per cent of the total number of required spaces.

(e) Mechanical means of providing parking spaces or access thereto, is permitted provided the following conditions are met:

- (1) Adequate waiting and maneuvering spaces are provided on the lot in order to minimize on-street traffic congestion, subject to the approval of the executive director; and
- (2) All mechanical equipment shall be visually screened by architectural or landscape treatments.

(f) Parking for the physically disabled shall comply with applicable federal, state, and county standards, rules, and regulations for the physically disabled. Public projects shall comply with section 103-50, HRS.

(g) A conditional use permit for joint use or off-site parking facilities described in subsection (h) may be granted by the executive director. Either an owner or a developer, or a lessee holding a recorded lease for the property, the unexpired term of which is more than five years from the date of filing of the application, may qualify for a conditional use permit. Applications shall be accompanied by:

- (1) A plan drawn to scale, showing the actual dimensions and shape of the lot, the sizes and locations on the lot of existing and proposed structures, if any, and the existing and proposed uses of structures, parking and open spaces;
- (2) A plan describing the method and manner in which the proposed use or tenant will fulfill the requirements of subsection (h); and

- (3) Any additional information requested by the executive director relating to topography, access, surrounding land uses, written agreements and other matters as may reasonably be required in the circumstances of the case.

(h) In the event a conditional use is granted for the number of off-street parking spaces required by this chapter, said required parking spaces shall be provided on-site as joint use of parking facilities or in off-site parking facilities.

- (1) Joint use of parking facilities: Joint use of off-street parking facilities may be allowed, provided that:

- (A) The distance from the entrance of the parking facility to the nearest principal entrance of the establishment or establishments involved in such joint use shall not exceed 1,200 feet by normal pedestrian routes;

- (B) Parking spaces involved in joint use shall not be set aside exclusively for compact cars, valet parking, or particular user groups or individuals;

- (C) The amount of off-street parking which may be credited against the requirements for the use or uses involved shall not exceed the number of spaces reasonably anticipated to be available during differing periods of peak demand;

- (D) A written agreement assuring continued availability of the number of spaces for the uses involved at the periods indicated shall be drawn and executed by the parties involved, and a certified copy shall be filed with the authority. No change in use or new construction shall be permitted which increases the requirements for off-street parking space unless such additional space is provided; and

- (E) The joint use arrangement is logical and practical and will not adversely affect adjacent developments or uses or result in impacts other than which could be reasonably anticipated if standard off-street parking provisions were applied.
- (2) Off-site parking facilities: Off-site parking facilities may be allowed, provided that:
 - (A) The distance from the entrance to the parking facility to the nearest principal entrance of the establishment or establishments involved shall not exceed 1,200 feet by normal pedestrian routes;
 - (B) A written agreement assuring continued availability of the number of spaces indicated shall be drawn and executed, and a certified copy shall be filed with the authority. The agreement shall generally provide that if the amount of parking spaces is not maintained, or space acceptable to the executive director substituted, the use, or such portion of the use as is deficient in number of parking spaces, shall be discontinued. No change in use or new construction shall be permitted which increases the requirements for off-street parking unless such additional space is provided; and
 - (C) The off-site parking arrangement is logical and practical and will not adversely affect adjacent developments or uses or result in impacts other than which could be reasonably anticipated if standard off-street parking provisions were applied.
 - (i) Changes in use that would otherwise require the addition of no more than three parking spaces may

set forth in section 15-23-21 and the following conditions:

- (1) There are no reasonable means of providing the additional parking spaces which would otherwise be required, including but not limited to joint use of parking facilities and off-site parking facilities; and
- (2) There was no previous grant of an adjustment from parking requirements on the lot pursuant to this subdivision.

(j) An alternative parking requirement may be considered subject to the zoning adjustment process specified in section 15-23-21 and the following conditions:

- (1) A parking demand study shall be provided specifying the alternative parking requirement along with any documentation that supports the proposed adjustment; and
- (2) The parking adjustment is reasonable and will not adversely affect adjacent developments or uses or result in impacts other than which could be reasonably anticipated if standard off-street parking provisions were applied. Eff 2/24/90; am and comp 10/10/98; am 1/13/00; comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-69 Off-street loading. (a) Except as otherwise provided in this chapter, the off-street loading requirements herein specified shall apply to all development lots exceeding five thousand square feet based on the class or kind of uses to which the lot is to be placed. In addition, in connection with development permits involving such classes or kinds of uses, special requirements may be imposed.

(b) Any building existing within the makai area on October 10, 1998 and which is subsequently altered to increase floor area shall provide off-street

loading spaces for the area proposed to be constructed as indicated in the following table:

OFF-STREET LOADING REQUIREMENTS

<u>Use or Use Category</u>	<u>Floor Area (in square feet)</u>	<u>Loading Space Requirements</u>
Hospitals or similar institutions or places of public assembly.	5,000 - 10,000	one
	10,001 - 50,000	two
	50,001 - 100,000	three
	Each additional 100,000 over 100,000	one
Multi-family dwellings.	20,000-150,000	one
	150,001-300,000	two
	Each additional 200,000 over 300,000	one
Offices or office buildings, waterfront industrial uses.	20,000 - 50,000	one
	50,001 - 100,000	two
	Each additional 100,000 over 100,000	one
Retail stores, eating and drinking establishments, wholesale operations, business services, personal services, repair, general service.	2,000 - 10,000	one
	10,001 - 20,000	two
	20,001 - 40,000	three
	40,001 - 60,000	four
	Each additional 50,000 over 60,000	one

(c) In the event a building is used for more than one use, and the floor area for each use is below the minimum requiring a loading space, as set forth in the table below, the required loading space or spaces shall be determined by taking the aggregate floor area of the several uses and applying the requirements of the use category requiring the greatest number of loading spaces.

(d) Loading space required under this section shall not be in any street or alley, but shall be provided within the building or on the lot. The following standards shall also apply to loading spaces:

- (1) When only one loading space is required and total floor area is less than 5,000 square feet, the minimum horizontal dimensions of the space shall be eighteen feet by eight feet three inches, and the space shall have a vertical clearance of at least ten feet;
- (2) When more than one loading space is required, the minimum horizontal dimensions of at least half of the required spaces shall be twelve feet by thirty-five feet and have a vertical clearance of at least fourteen feet. The balance of the required spaces shall have horizontal dimensions of at least eighteen feet by eight feet three inches and vertical clearance of at least ten feet;
- (3) Each loading space shall be unobstructed and shall be arranged so that any vehicle may be moved without moving the other;
- (4) Adequate maneuvering areas and access to a street shall be provided and shall have a vertical clearance not less than the applicable height for the loading space;
- (5) All loading spaces and maneuvering areas shall be paved with an all-weather surface;
- (6) Where loading areas are illuminated, all sources of illumination shall be shielded to prevent any direct reflection toward adjacent premises;
- (7) Loading spaces for three or more vehicles shall be arranged so that no maneuvering to

- enter or leave a loading space shall be on any public street, alley, or walkway;
- (8) Each required loading space shall be identified as such and shall be reserved for loading purposes;
 - (9) No loading space shall occupy required off-street parking spaces or restrict access; and
 - (10) No loading space or maneuvering area shall be located within a required yard.
- (e) An adjustment of up to fifty per cent of the required number of loading spaces may be allowed when the loading spaces are assigned to serve two or more uses of a single development project jointly, provided that:
- (1) Each use has access to the loading zone without crossing any street or public sidewalk; and
 - (2) The amount of loading spaces which may be credited against the requirements for the use or uses involved shall not exceed the number of spaces reasonably expected to be available during differing periods of peak demand. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-70 Signs. Sign permits shall be processed by the city and county of Honolulu. Except as otherwise provided, signs shall conform to the "B-2 Community Business District" sign regulations of the land use ordinance. The city and county of Honolulu shall be responsible for enforcement of the ordinance's provisions, and shall also administer appeals and variances relating to signs. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-71 REPEALED. [R 10/10/98]

§15-23-72 Circulation. (a) The approval of the executive director or authority shall be required on any addition, deletion, modification or alteration of existing streets shown on the district plan. The executive director or authority may consult with other appropriate governmental agencies prior to said approval.

(b) Public or private mid-block pedestrian or bicycle circulation paths may be required where appropriate in conjunction with development projects. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; . comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-73 Public facilities fee. (a) This section shall apply to any development within the makai area that increases an existing development's floor area by more than twenty-five per cent as compared to the development's floor area existing within the makai area on October 10, 1998, or at the time of application for a development permit, excluding proposed demolitions, whichever is less. All new floor area of a development subject to this section shall pay a public facilities fee.

(b) As a condition precedent to the issuance of a development permit, the developer shall agree to payment of a fee for public facilities for the joint use by the occupants and employees of the development as well as by the public. The public facilities fee shall be established at a sum equal to the fair market value of land for the following respective land uses:

- (1) Three per cent of the total commercial and community service floor area of the development to be constructed exclusive of nursing facilities, assisted living administration, and ancillary assisted living amenities; and

(2) Four per cent of the total residential floor area of the development to be constructed exclusive of floor area devoted to reserved housing units and their associated common areas in proportion with the floor area of other uses.

(c) Valuation of land shall be determined as follows:

(1) Valuation shall be based upon the fair market value of the land prior to its development; and

(2) In the event that a fair market value cannot be agreed on, the value shall be fixed and established by majority vote of three land appraisers; one shall be appointed by the developer, one appointed by the executive director in the case of base zone development or the authority in the case of planned development, and the third appointed by the first two appraisers. All appraisers shall have had a minimum of five years of training and experience in real estate appraisal work. The developer shall be responsible for one-half of the appraisal fees and costs.

(d) This section shall not apply to any development or to that portion of a development undertaken by an eleemosynary organization for its own use, or to any development for public uses and structures or for a public improvement or any public project.

(e) The fee shall be payable prior to the issuance of the initial certificate of occupancy and secured by the applicant with a financial guaranty bond from a surety company authorized to do business in Hawaii, an acceptable construction set-aside letter, or other acceptable means prior to the issuance of the initial building permit. Calculation of the fee shall be fixed in the development permit and may only be adjusted for revisions in floor area that is approved through an amendment of the development permit.

(f) Payment of fees shall be made to the authority for deposit in a revolving fund to be created and established by the authority. The authority may expend the moneys in the fund for the purchase, creation, expansion, or improvement of public facilities within the district. The authority may transfer any portion of those funds to the city and county of Honolulu for public facilities purposes within the Kakaako district.

(g) Nothing contained in this subchapter shall preclude the creation of any improvement district for public facilities, or the imposition of assessments against properties specially benefited within the district. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005]
(Auth: HRS §§206E-7, 206E-12) (Imp: HRS §§206E-7, 206E-12)

§15-23-74 Prohibition of structures within a mapped street. (a) As used in this section, "mapped street" means a highway, road or street designated in the makai area plan as an existing or future road, street, or highway right-of-way.

(b) No building or structure shall be erected within the area of any mapped street or its required setback area, except upper-level pedestrianways approved by the authority and awnings which may be allowed to project from nonconforming structures over public property pursuant to section 15-23-15.

(c) Except as provided in subsection (b) above, if the executive director finds that a building or structure proposed to be erected will be within the boundaries of any mapped street, the development permit shall be denied and the owner or applicant for the permit shall be notified of the reason for the denial. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; am and comp 12/9/02; comp NOV 03 2005]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-75 Development of properties within the Aloha tower special district. (a) Properties within the Aloha tower special district as set forth in Exhibit 1, entitled "Makai Area Context Plan", dated September 2005, and attached at the end of this chapter shall be developed so that the resulting development is capable of integration into any overall development plan which may be adopted for the Honolulu waterfront and the development objectives of the Aloha tower development corporation, as identified in section 15-26-38.

(b) Permitted uses within the Aloha tower special district shall be any of the uses which the authority finds compatible with the makai area plan, and capable of integration into any overall development plan which may be adopted for the Honolulu waterfront and the development objectives of the Aloha tower development corporation.

(c) In approving development permits for projects within the Aloha tower special district, the authority may impose on the applicant conditions and requirements that are reasonable and necessary to carry out the intent of any overall development plan which may be adopted for the Honolulu waterfront and the development objectives of the Aloha tower development corporation.

(d) Any provision to the contrary notwithstanding, the authority may waive requirements of these rules or the makai area plan for developments within the Aloha tower special district provided the authority is assured that the waiver will result in an increase of public benefits to the Aloha tower development project. [Eff 2/24/90; am 1/7/91; am and comp 10/10/98; comp 2/2/02; am and comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-76 Utilities required to be underground.

(a) Public utility companies shall place utility lines underground within the district. The location

of all utility structures placed on pads shall be subject to the executive director's approval.

(b) The requirement in subsection (a) shall not apply to the following types of utility lines and related facilities if the executive director determines that said requirement would create undue hardship:

- (1) Overhead lines attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location of the building to another location on the same building or to an adjacent building without crossing any street or alley; and
- (2) Electric distribution or transmission system in excess of fifteen kilovolts supported on metal or concrete poles without crossarms.
[Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-77 Environmental standards. (a) No building wall shall contain a reflective surface for more than thirty per cent of that wall's surface area.

(b) Every use shall be so operated that it does not emit an obnoxious or dangerous degree of odor or fumes.

(c) Any provision in this chapter to the contrary notwithstanding, the rules of the state department of health shall continue to apply to all activities and properties within the makai area. These rules shall include, but not be limited to, department of health, chapter 11-43 relating to community noise control for Oahu, chapter 11-11 relating to sanitation, chapter 11-12 relating to housing, chapter 11-34 relating to poisons, chapter 11-39 relating to air-conditioning and ventilation, chapter 11-42 relating to vehicular noise control, chapter 11-55 relating to water pollution, chapter 11-57 relating to sewage treatment private wastewater

treatment works, chapter 11-58 relating to solid waste management control, chapter 11-59 relating to ambient air quality standards, and chapter 11-60 relating to air pollution. [Eff 2/24/90; am and comp 10/10/98; am 1/13/00; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-78 Temporary uses. Temporary structures, such as tents and booths, may be permitted in any zone for periods not exceeding fourteen days, provided that for good reasons, the executive director may grant extensions for an additional fourteen days. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-79 Conditional use of vacant land. The executive director may allow a conditional use of vacant land, provided:

- (1) The proposed use is any use permitted within the land use zone except:
 - (A) That open or uncovered temporary parking at grade may be permitted in all land use zones; and
 - (B) Construction sites, special trade construction and storage yards, and nonextensive yard uses may be permitted in all land use zones where a six-foot screening wall or fence is erected along all public rights-of-way;
- (2) The duration of the use is for a two-year period, provided that the executive director may issue extensions of up to two years if the development status of the area has not changed appreciably since the use was initially allowed;
- (3) The floor area of any proposed temporary structure does not exceed 0.5 floor area ratio;

- (4) The development conforms to the setback and landscape requirements of this chapter, except for development lots where a screening wall or fence not exceeding six feet in height is erected along all public rights-of-way;
- (5) The development conforms to the performance standards of this chapter;
- (6) In addition to the design controls listed in this section, the executive director may include additional conditions in the permit to ensure that the development does not adversely affect adjacent property and the appearance of the district. Conditional use of vacant land permits already issued under this section may be modified by the executive director at any time in response to valid public concern/complaint, to contain additional conditions for mitigation; and
- (7) The proposed uses in no way prevents or delays the future development of the property. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-80 Joint development of two or more adjacent zoning lots. (a) Whenever two or more lots are developed in accordance with the provisions of this section, they shall be considered and treated as one "development lot" for purposes of this chapter. The maximum building height and density shall be calculated on the basis of the combined land area of all lots being included in the joint development project. Should joint development involve mauka area and makai area lots, floor area and uses permissible in the mauka area shall not be transferred to the makai area.

(b) Owners, duly authorized agents of the owners, or duly authorized lessees, holding leases with a minimum of thirty years remaining in their terms, of adjacent lots, or lots directly facing each other but separated by a street, may apply for permission to undertake such a joint development to the authority or to the executive director, as the case may be.

(c) In applying for such permission, the landowners, duly authorized agents of the owners, or lessees shall submit an agreement which binds themselves and their successors in title, or lease individually and collectively, to maintain the pattern of development proposed in such a way that there will be conformity with applicable zoning rules. The right to enforce the agreement shall also be granted to the authority or executive director, as the case may be. The agreement shall be subject to the approval of the authority or executive director, as the case may be.

(d) If it is found that the area involved is compact, regular or logical, and that the proposed agreement assures future protection of the public interest and is consistent with the intent of the makai area plan, the request may be approved. Upon approval, the agreement, which shall be part of the conditions of development, shall be filed as a covenant running with the land with the bureau of conveyances or the assistant registrar of the land court. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-81 Flood hazard district. The applicable provisions of Article 7 of the land use ordinance relating to flood hazard districts shall apply to all affected activities and properties within the Kakaako district. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-82 REPEALED. [R 10/10/98]

§15-23-83 Applications. (a) Prior to submitting an application for a development permit, potential applicants may be required to have their projects reviewed by the executive director pursuant to section 15-23-10. The review shall be completed prior to applying for a development permit.

(b) A developer shall submit to the authority four copies of a project plan as a part of the application for the development permit. The project plan shall satisfy the stated purposes of the permit applied for.

(c) The project plan shall clearly indicate how the proposed development would satisfy the standards and purposes of this subchapter and the makai area plan. In addition to any other information which the applicant may deem necessary to support the application, the project plan shall include the following:

- (1) Location map showing the project in relation to the surrounding area;
- (2) Site plan showing:
 - (A) Property lines and easements with dimensions and area;
 - (B) The proposed building location, elevations, dimensions, sections, and floor plan and site sections to clearly define the character of the project;
 - (C) Location, elevations, and dimensions of existing buildings;
 - (D) Topographic information showing existing features and conditions and proposed grading; and
 - (E) Location and dimensions of existing and proposed easements, conduits, and rights-of-way;
- (3) A land use plan showing:
 - (A) The locations and uses of all buildings and structures, the general bulk and height of all buildings and their

- relationship to each other and to adjacent areas, the gross floor areas of buildings by type of uses, the ground coverage of all buildings, and the FAR of the project;
- (B) The locations and size of vehicular and pedestrian circulation systems (both exterior and interior), identification of public and private areas and their dimensions, the location and dimensions of off-street loading areas and the location of points of access to the site and to public transportation facilities;
 - (C) The locations and dimensions of parking areas, with calculations of the number of parking spaces;
 - (D) The location of land which is intended for common quasi-public, or amenity use but not proposed to be in public ownership, and proposed restrictions, agreements or other documents indicating the manner in which it will be held, owned, and maintained in perpetuity for the indicated purposes
 - (E) Landscaping plan; and
 - (F) Location and amount of all open space areas;
- (4) A detailed statement describing the manner in which the development would conform to the makai area plan and the purposes and standards of this chapter;
 - (5) A development program stating the sequence in which all structures, open and amenity spaces, and vehicular and pedestrian circulation systems are to be developed;
 - (6) The relationship, if any, of the development program to the authority's and city and county of Honolulu's capital improvements program;
 - (7) Traffic analysis;

- (8) If the project area is currently occupied by business uses, a relocation analysis shall be submitted including the following:
 - (A) A list of current residents and businesses, compiled by addresses or other locational description;
 - (B) Identification of property managers;
 - (C) The terms of the leases, including lease periods, lease rents, and expiration dates of leases; and
 - (D) The net floor area of each business, descriptions of the business activity, and special relocation needs, if any;
 - (9) The applicant will certify that all tenants will be notified via certified mail of the effective date of lease termination at least sixty days before eviction; and
 - (10) Any additional information which the executive director may request.
- (d) The completed application shall be filed with the authority. Decisions for applications shall be made as follows:
- (1) For a development not requiring a variance or modification, the authority, in the case of a development with an FAR in excess of 1.5, or the executive director in the case of a development with an FAR up to 1.5, shall within one hundred days of receipt of the completed application:
 - (A) Approve the application as submitted;
 - (B) Approve the application with adjustments or conditions; or
 - (C) Deny the application with reasons for denial.
 - (2) For a development requiring a variance or modification, the authority shall within sixty days of the order approving or disapproving the variance or modification:
 - (A) Approve the application as submitted;
 - (B) Approve the application with adjustments or conditions; or

- (C) Deny application with reasons for denial.

The decision shall be made in writing and sent to the applicant.

(e) If a permit required by this chapter requires a public hearing, no request for postponement of the hearing shall be allowed after notice has been published; however, the applicant may withdraw the permit application. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-84 Determination by authority or executive director. In reaching its determination on an application for a development permit, the authority or executive director, as the case may be, shall consider the following:

- (1) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, and height, arrangement and design of structures;
- (2) Whether the open spaces
 - (A) Are of such size and location as to serve as convenient areas for recreation, relaxation, and social activities for the patrons of the development; and
 - (B) Are so planned, designed, and situated as to function as necessary physical and aesthetic open areas among and between individual structures and groups of structures;
- (3) Whether the setbacks, yards, pedestrianways, bikeways, and related walkways are so located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation, and necessary vehicular access;
- (4) Whether the vehicular circulation system, including access and off-street parking and loading, is so designed as to provide an

- efficient, safe, and convenient transportation system;
- (5) Whether the pedestrian circulation system:
 - (A) Is so located, designed, and of sufficient size as to conveniently handle pedestrian traffic efficiently and without congestion;
 - (B) Is separated, if necessary, from vehicular roadways so as to be safe, pleasing, and efficient for movement of pedestrians; and
 - (C) Provides efficient, convenient, and adequate linkages among open spaces, commercial and employment areas, and public facilities;
 - (6) The adequacy of landscaping, screening, parking, and loading areas, service areas, lighting and signs, with relation to the type of use and neighborhood;
 - (7) The appropriateness of the proposed mixtures of uses;
 - (8) The staging program and schedule of development;
 - (9) Relationship between structures and operations within structures;
 - (10) Whether views will be preserved or blocked;
 - (11) Surface treatment;
 - (12) Overall appearance of a development from the street and adjacent developments;
 - (13) Whether structures have an appropriate orientation to take advantage of winds, reduce direct sun exposure, and minimize shadow effect on adjacent buildings;
 - (14) Preservation of adjacent view corridors;
 - (15) Whether the facades of building are properly terraced, landscaped, and designed;
 - (16) Relationship between and among uses along the adjacent street;
 - (17) Development contribution to the attractiveness of the street-scape; and
 - (18) Any other matter relating to the development or its impact on affected properties or

public facilities. [Eff 2/24/90; am and
 comp 10/10/98; comp 2/2/02; comp 12/9/02; am
 and comp NOV 03 2005] (Auth: HRS
 §§206E-4, 206E-5, 206E-7) (Imp: HRS
 §§206E -4, 206E-5, 206E-7)

§15-23-85 Lapse of development permit. (a) Any development permit granted under the provisions of this chapter shall automatically lapse if the initial building permit authorizing the construction of the foundation or superstructure of the project has not been issued within two years from the date of granting the permit, or, if judicial proceedings to review the decision to make the grant is instituted, from the date of entry of the final order in such proceedings including all appeals.

(b) Should a development permit provide for phased construction, the phases shall be constructed in accordance with the time periods set forth therein; however, if no time is specified, the development permit shall lapse if the building permit for the subsequent phase shall not have been issued within one year of the issuance of the occupancy permit for the previous phase.

(c) The authority or executive director, as the case may be, may grant an extension to the effective period of a development permit approved by the same, not to exceed two years, upon the applicant's request and justification in writing for an extension, provided the request and justification are received by the authority or executive director at least one hundred days in advance of the automatic termination date of the development permit and there are no material changes in circumstances which may be cause for denial of the extension. A public hearing shall be held on an extension request if a public hearing was held on the development permit or any variance or modification granted as part of the development permit process. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth:

HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-86 Conditions. The authority or executive director, as the case may be, may attach to a development permit conditions which may concern any matter subject to regulation under this chapter, including, but not limited to, the following:

- (1) Minimizing any adverse impact of the development on other land, including the hours of use and operation and the type and intensity of activities which may be conducted;
- (2) Controlling the sequence of development, including when it must be commenced and completed;
- (3) Controlling the duration of use of development and the time within which any structures must be removed;
- (4) Assuring that development, including all street furniture located in yards and bus stop shelters, is maintained properly in the future;
- (5) Designating the exact location and nature of development;
- (6) Establishing more detailed records by submission of drawings, maps, plats or specifications;
- (7) Requiring provision by the developer of streets, other rights-of-way, pedestrianways, bikeways, utilities, parks, and other open space, all of a quality and quantity reasonably necessary for the proposed development;
- (8) Requiring the connection of such development to existing public service systems;
- (9) Requiring the applicant to demonstrate financial, organizational, and legal capacity to undertake the development that is proposed, and to offer written assurance of compliance with any representations made

by it as part of the application for the development permit and any conditions attached to the permit;

- (10) Requiring the applicant to submit periodic reports showing what progress has been made in complying with any of the conditions imposed;
- (11) Requiring the applicant to indicate the method of relocation of tenants and businesses; and
- (12) Requiring the applicant to indicate the method of handling safety and security concerns, including the lighting of building interiors, grounds, landscaping, parking areas, and exterior common areas.
[Eff 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-87 Requirement of providing reserved housing units. (a) Every applicant for a development containing multi-family dwelling units on a development lot of at least 20,000 square feet shall provide at least twenty per cent of the total number of dwelling units in the development for sale or rental to qualified persons as determined by the authority.

(b) The units, hereinafter referred to as "reserved housing units", shall be sold or rented to persons qualifying under the terms and conditions set forth under subchapter 7 of chapter 15-22. The applicant shall execute agreements as are appropriate to complement this requirement, and the agreements shall be binding upon the applicant and the applicant's successors in interest, and shall run with the land. The agreement shall provide that the applicant must provide certification to the authority as to the compliance of the requirements herein.

(c) The reserved housing requirements shall be satisfied in accordance with section 15-22-115.

(d) No building permit shall be issued for any development until the authority has certified that the development complies with the requirements of this section. The authority may require guarantees, may enter into recorded agreements with developers and with purchasers and tenants of the reserved housing units, and may take other appropriate steps necessary to assure that these housing units are provided and that they are continuously occupied by qualified persons. When this has been assured to the satisfaction of the authority and it has determined that the proposed development meets the requirements and standards of this section, the authority shall certify the application approved as to the housing requirements of this section. [Eff and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-88 Modification of specific provisions.

As a part of the development permit review process, the authority may modify plan and rule requirements provided a public hearing is held. Except as otherwise specifically provided, modifications may be granted only to the following:

- (1) Building envelope requirements;
- (2) Yards;
- (3) Loading space;
- (4) Parking;
- (5) Number of reserved housing units and the cash-in-lieu of providing reserved housing units; and
- (6) Open space, as follows:
 - (A) Obstructions overhead that enhance utilization and activity within open spaces or do not adversely affect the perception of open space; and
 - (B) Height from sidewalk elevation of four feet may be exceeded at a maximum height-to-length of 1:12 if superior visual relief from building mass results. [Eff 10/10/98; comp 2/2/02;

comp 12/9/02; §15-23-87; am, ren, and
comp NOV 0 3 2005] (Auth: HRS
§§206E-4, 206E-5, 206E-7) (Imp: HRS
§§206E-4, 206E-5, 206E-7)

§15-23-89 Conditions for modification. (a) In order for the authority to consider modification of the zoning requirements listed in section 15-23-88, the applicant must demonstrate that:

- (1) The modification would provide flexibility and result in a development that is practically and aesthetically superior to that which could be accomplished with the rigid enforcement of this chapter;
- (2) The modification would not adversely affect adjacent developments or uses; and
- (3) The resulting development will be consistent with the intent of the makai area plan.

(b) The authority shall specify the particular evidence which supports the granting of a modification and may impose reasonable conditions in granting a modification. [Eff 10/10/98; comp 2/2/02; comp 12/9/02; §15-23-88; am, ren, and comp NOV 0 3 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4; 206E-5, 206E-7)

§§15-23-90 to 15-23-107 (Reserved)

§§15-23-108 to 15-23-137 REPEALED. [R 10/10/98]

SUBCHAPTER 4

SPECIAL URBAN DESIGN RULES

§15-23-138 Statement of purposes. The purpose of this subchapter is to provide for a high quality of

urban design in the makai area with an emphasis on the pedestrian environment, and to promote a strong relationship between individual developments and the overall context. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-139 Applicability. This subchapter shall apply to any development located on any development lot within the makai area and constructed after October 10, 1998, except alterations to nonconforming structures, public improvements and conditional use of vacant land. . [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-140 Streetscapes. (a) A high priority is placed on the streetscape design in the makai area in order to promote an outstanding pedestrian environment with access to the waterfront, parks, and commercial developments.

(b) The placement and location of curb cuts for driveways and drop-off areas shall be regulated as follows in order to promote continuous sidewalks without breaks or interruptions.

- (1) No curb cuts or drop-off areas, except as needed to allow access for persons with disabilities, shall be permitted along Ala Moana Boulevard, and Ilalo Street between Ahui and Punchbowl Streets; and
- (2) Curb cuts and drop-off areas may be permitted in other areas if the executive director finds that the curb cut or drop-off area will not result in unreasonable conflict between pedestrian and vehicular circulation and will result in a good site plan.

(c) All new developments shall provide facilities for central trash storage within the development lot. Where trash storage facilities are provided outside of a building, the facilities shall be screened by an enclosure constructed of materials compatible with the materials of the front building wall of the development. In all cases, there shall be provided an area for central trash collection. Such area shall be ventilated.

(d) Street furniture shall be provided as follows:

- (1) Benches shall be provided for resting places along pedestrianways at appropriate locations. One eight-foot bench shall be located in an area receiving shade adjacent to or near a public sidewalk for every development project. Benches shall be positioned to serve general pedestrian traffic. Along Ilalo Street the number, type and location of benches shall be provided in accordance with specifications approved by the authority; and
- (2) Bus stop shelters shall be provided for bus commuters where bus stops are located and the design and specifications shall be subject to the review and approval of the executive director. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-141 Tower spacing and circulation.

(a) Spacing between building towers shall be based upon the tower location on the development lot and distances between neighboring towers. To the extent practicable, tower spacing shall be as follows:

- (1) At least two hundred feet between the long parallel sides of neighboring towers; and
- (2) At least one hundred fifty feet between the short side of towers.

(b) Building design and siting shall be such that shadow effects on neighboring buildings shall be minimized.

(c) Public or private mid-block pedestrian or bicycle circulation paths, or both, may be required to be created and maintained in conjunction with developments. The developer of a development may be required to dedicate to the authority a perpetual public easement for pedestrian-ways, the appropriate width and location to be as determined by the authority.

(d) The authority may approve the construction of upper-level pedestrian-ways, provided that:

- (1) Required approvals from appropriate governmental agencies are obtained;
- (2) The design of the pedestrianway provides a safe and efficient linkage to major destination areas, complements the design of adjoining structures and open spaces, incorporates directional aids, and minimizes adverse impacts on designated view corridors, the streetscape, and required yards and open space;
- (3) Assurances are provided for adequate maintenance, security and insurance, unless the pedestrianway is dedicated to and accepted by the city and county of Honolulu;
- (4) The pedestrianway shall function solely as a corridor for pedestrian movement and shall not be used to conduct business activity of any kind;
- (5) Adequate access is provided to and from the street level. In approving an upper-level pedestrianway, the authority may impose terms and conditions as it finds are reasonable and necessary to carry out the purpose and requirements of this chapter and the makai area plan; and
- (6) It can be demonstrated that the upper-level pedestrianway does not result in the reduction of ground-level commercial activity that would otherwise take place.

[Eff 2/24/90; am and comp 10/10/98; comp 2/2/02;
comp 12/9/02; am and comp NOV 03 2005 1
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp:
HRS §§206E-4, 206E-5, 206E-7)

§15-23-142 Landscaping. (a) The authority recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to establish an outstanding visual environment, to promote compatibility between land uses by reducing impacts of specific developments, and to enhance and define public and private spaces.

(b) All required yards shall be landscaped, except that front yards may be paved in accordance with specifications that are subject to review and approval by the executive director if ground floor windows are provided.

(c) Street trees shall be provided in accordance with specifications that are subject to review and approval by the executive director. Unless otherwise approved by the executive director, street trees shall be planted adjacent to the curb, forty feet on center or closer, and be a minimum of 4.5 inch caliper, except coconut palms, which shall be a minimum of fifteen feet tall, as follows:

<u>Street</u>	<u>Botanical Name</u>	<u>Common Name</u>
Ala Moana Boulevard	Cocos Nuciferas	Coconut Palm
Cooke	Cordia Subcordata	True Kou
Coral	Cordia Subcordata	True Kou
Ilalo	Samanea Saman	Monkey Pod
Kéawe	Cordia Subcordata	True Kou
Koula	Cordia Subcordata	True Kou
Ohe	Cordia Subcordata	True Kou
Olomehani	Cordia Subcordata	True Kou
Punchbowl	Cordia Subcordata	True Kou
South	Cordia Subcordata	True Kou

(d) The planting, removal, and maintenance of street trees within the public right-of-way fronting any development lot shall be subject to the approval of the department of parks and recreation, city and county of Honolulu.

(e) The planting, removal, and maintenance of trees within the front yard setback area of any development lot or nonconforming property shall be subject to the approval of the executive director. Any tree six inches or greater in trunk diameter shall not be removed except under the following conditions:

- (1) There are no alternatives to removal to achieve appropriate development on the site;
- (2) The tree is a hazard to public safety or welfare;
- (3) The tree is dead, diseased, or otherwise irretrievably damaged; or

- (4) The applicant can demonstrate that the tree is unnecessary due to overcrowding of vegetation.

Where possible, trees proposed for removal shall be relocated to another area of the project site. No person shall injure or destroy any tree in any manner or by any means. Property owners shall be responsible for ensuring that all trees within the front yard setback area are properly maintained and do not cause any hazard to public safety or welfare.

(f) Street tree species and location shall be subject to the approval of the executive director in consultation with the director of parks and recreation, city and county of Honolulu.

(g) Planting strips, if provided between the curb and sidewalk, shall be landscaped and provided with an irrigation system. Planting in these areas, except trees, shall not exceed thirty inches in height and shall be grass only where adjacent curbside parking is permitted.

(h) Sidewalk materials shall conform to the city and county of Honolulu standards for a minimum of seventy-five per cent of the required sidewalk area. The total sidewalk pattern and the material of the twenty-five per cent area shall be subject to the approval of the executive director. The executive director, in consultation with the chief engineer of the department of public works, city and county of Honolulu, may allow exceptions to the city and county standard paving.

(i) Street planters used for the purpose of holding plant materials, whether portable or permanently fixed, shall be provided by property owners within their property lines. Planters shall be located along major streets where sidewalks are greater than eight feet wide.

(j) Within private open space areas visible from street frontages, trees, shrubs, ground cover plant material are required.

(k) If there is any change in elevation from the sidewalk to the grade level private open space area, such change shall be no greater than four feet.

(l) Parking areas, open storage areas, and work areas provided at ground level facing the street shall be screened with plant material or other architectural treatment.

(m) All rooftop mechanical appurtenances, stairwells and elevator enclosures, ventilators, and air-conditioning equipment shall be screened from view by architectural or landscape treatments. [Eff 2/24/90; am and comp 10/10/98; am 1/13/00; comp 2/2/02; am and comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-23-143 Modification of urban design requirements. The authority or executive director, as the case may be, may allow modifications to the requirements of this subchapter. Modifications will be allowed if a finding is made that the modifications will enhance the design and quality of the development, or will not adversely affect the overall intent of this chapter and the makai area plan. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§§15-23-144 to 15-23-157 (Reserved)

SUBCHAPTER 5

HISTORIC AND CULTURAL SITES

§15-23-158 Statement of purposes. The purpose of this subchapter is to preserve, protect, reconstruct, rehabilitate and restore properties situated in the district that are determined by the authority to be historic and culturally significant. [Eff 2/24/90; comp 10/10/98; comp 2/2/02;

comp 12/9/02; comp NOV 0 3 2005] (Auth: HRS
§§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5,
206E-7)

§15-23-159 Historic or culturally significant property defined. The term, "property", as used in this subchapter, includes a site, location, facility, building, structure, setting or object. "Historic or culturally significant property" means any property that is:

- (1) Listed on the Hawaii or national register of historic places; or
- (2) Designated in the makai area plan as being: significant in the history or prehistory, architecture, culture, or development of Kakaako; a tangible, historic or cultural linkage between Kakaako of the past and Kakaako of the present; and capable of productive use to the extent that its owner is able to earn a reasonable return. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 0 3 2005] (Auth: HRS §§206E-7, 206E-33) (Imp: HRS §§206E-7, 206E-33)

§15-23-160 Designation. Properties deemed historic or culturally significant by the authority are so designated in the makai area plan. In addition to the properties determined to be significant and listed on the makai area plan, other properties may be considered for designation by the authority. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 0 3 2005] (Auth: HRS §§206E-7, 206E-33) (Imp: HRS §§206E-7, 206E-33)

§15-23-161 Procedure for designation. (a) Any person, including a governmental agency, or the authority on its own initiative, may nominate any property for designation on the makai area plan as an

historic or culturally significant property by the rule-making procedures set forth in the authority's rules of practice and procedure.

(b) In addition to the general rule-making petition requirements, each nomination shall contain the following information:

- (1) The name of the property nominated for designation;
- (2) The tax map key identification of the property and name or names of the owner or owners of the property;
- (3) A description of the property and how it qualifies for designation under section 15-23-160; and
- (4) A statement of the property's historic or cultural significance. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-7, 206E-33, 916) (Imp: HRS §§206E-7, 206E-33, 916)

§15-23-162 Uses. A property designated historic or culturally significant may be put to any use permitted in the land use zone in which the property is situated, subject to the requirements of section 15-23-164. Setback requirements shall not be enforced as to any lot on which an historic or culturally significant property is situated where the enforcement would result in damage to or destruction of the historic or culturally significant features of the property. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-7, 206E-33) (Imp: HRS §§206E-7, 206E-33)

§15-23-163 Protective maintenance. All historic or culturally significant properties designated by the authority on the makai area plan shall be properly maintained and kept in good repair. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02;

comp NOV 03 2005] (Auth: HRS §§206E-7, 206E-33)
(Imp: HRS §§206E-7, 206E-33)

§15-23-164 Certificate of appropriateness. (a)
No permit shall be issued by the city and county of Honolulu for demolition, construction, alteration, repair or improvement which will affect any historic or culturally significant property, except after the issuance by the authority of a certificate of appropriateness.

(b) A developer, owner, or lessee of a historic or culturally significant property shall file with the executive director an application for a certificate of appropriateness for any proposed demolition, construction, alteration, repair, or improvement which will affect such historic or culturally significant property. The application shall be accompanied by supporting data and documents, including, as appropriate, the following:

- (1) A description of the historic or culturally significant property affected by the proposed project;
- (2) An area site plan indicating the location and nature of the project site improvements and site relationship to surrounding improvements;
- (3) Data on size, appearance, and form with sketches and perspectives of the building or structure proposed to be constructed, repaired or improved; and
- (4) Plans, elevations, and sections that fix and describe the project as to architectural character, and an outline specification setting forth exterior finishes and colors.

(c) The executive director shall evaluate the project and, within thirty days after submittal of the completed application for a certificate of appropriateness, determine whether the project is significant or nonsignificant, as defined below.

(d) If the executive director finds the project to be nonsignificant, a certificate of appropriateness

shall be issued. A project is deemed to be nonsignificant where it consists of alterations, repairs, or improvements which do not involve a change in design, material, character, or outer appearance of the affected property or a change in those characteristics which qualified the property for designation as an historic or culturally significant property.

(e) If the executive director finds the project to be significant, the executive director shall, within thirty days of such determination, prepare a summary report on the project, including an analysis of the data and documents supplied with the application for the certificate of appropriateness, and submit the report to the authority, together with a recommendation.

(f) Within one hundred days after receipt of the executive director's report, the authority shall either approve the proposed action in whole or in part, with or without modification or conditions, and issue a certificate of appropriateness or disapprove the proposed action. Before acting on the application, the authority shall hold a public hearing thereon. At the public hearing the applicant and other interested persons shall be given a reasonable opportunity to be heard. If the affected property is on the Hawaii or national register of historic places, the authority shall notify the state department of land and natural resources of its decision.

(g) The authority shall grant the application for a certificate of appropriateness if:

- (1) The proposed action will not unduly hinder the protection, enhancement, presentation, perpetuation and use of the property in its historic or culturally significant state; or
- (2) The property as it exists is no longer suitable to past or present purposes or is totally inadequate for the owner's or lessee's legitimate needs; or
- (3) The owner or lessee is unable to earn a reasonable return unless the proposed project is undertaken.

(h) Whenever an applicant for a certificate of appropriateness makes a showing that the property as it exists is totally inadequate for the owner's or lessee's legitimate needs or that the owner or lessee is unable to earn a reasonable return unless the project is undertaken, the authority may develop and propose alternatives to the proposed project that will enable the owner or lessee to put his property to reasonable use or to earn a reasonable return. Such alternatives may include a sale of the property to a buyer or lessee who will utilize the property without the action proposed by the applicant; it may also include partial or complete tax exemption, governmental grants-in-aid and other financial and technical assistance. The owner or lessee may accept or reject any alternative proposed by the authority.

(i) If the owner or lessee rejects all alternatives proposed by the authority, the authority may elect to acquire the property by eminent domain, in which case, action to condemn the property shall be commenced within ninety days of said rejection. If on the other hand the owner or lessee rejects the alternatives proposed by the authority, and the authority determines not to acquire the property by eminent domain, the authority shall issue a certificate of appropriateness to the applicant. [Eff 2/24/90; am and comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §§206E-7, 206E-33) (Imp: HRS §§206E-7, 206E-33)

§§15-23-165 to 15-23-177 (Reserved)

SUBCHAPTER 6

MASTER PLAN RULES

§15-23-178 Purpose and intent. Rules relating to master plans contained within the mauka area rules are incorporated herein by reference with the

§15-23-178

exception that hotel uses will not be permitted and that floor area and uses permissible in the mauka area will not be transferred to the makai area. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; am and comp NOV 03 2005] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-7, 206E-33)

§§15-23-179 to 15-23-191 (Reserved)

SUBCHAPTER 7

RULES REVIEW AND AMENDMENT

§15-23-192 Rules review and amendment. The makai area rules may be reviewed and amended in accordance with the authority's rules of practice and procedure. [Eff 2/24/90; comp 10/10/98; comp 2/2/02; comp 12/9/02; comp NOV 03 2005] (Auth: HRS §206E-5) (Imp: HRS §206E-5)

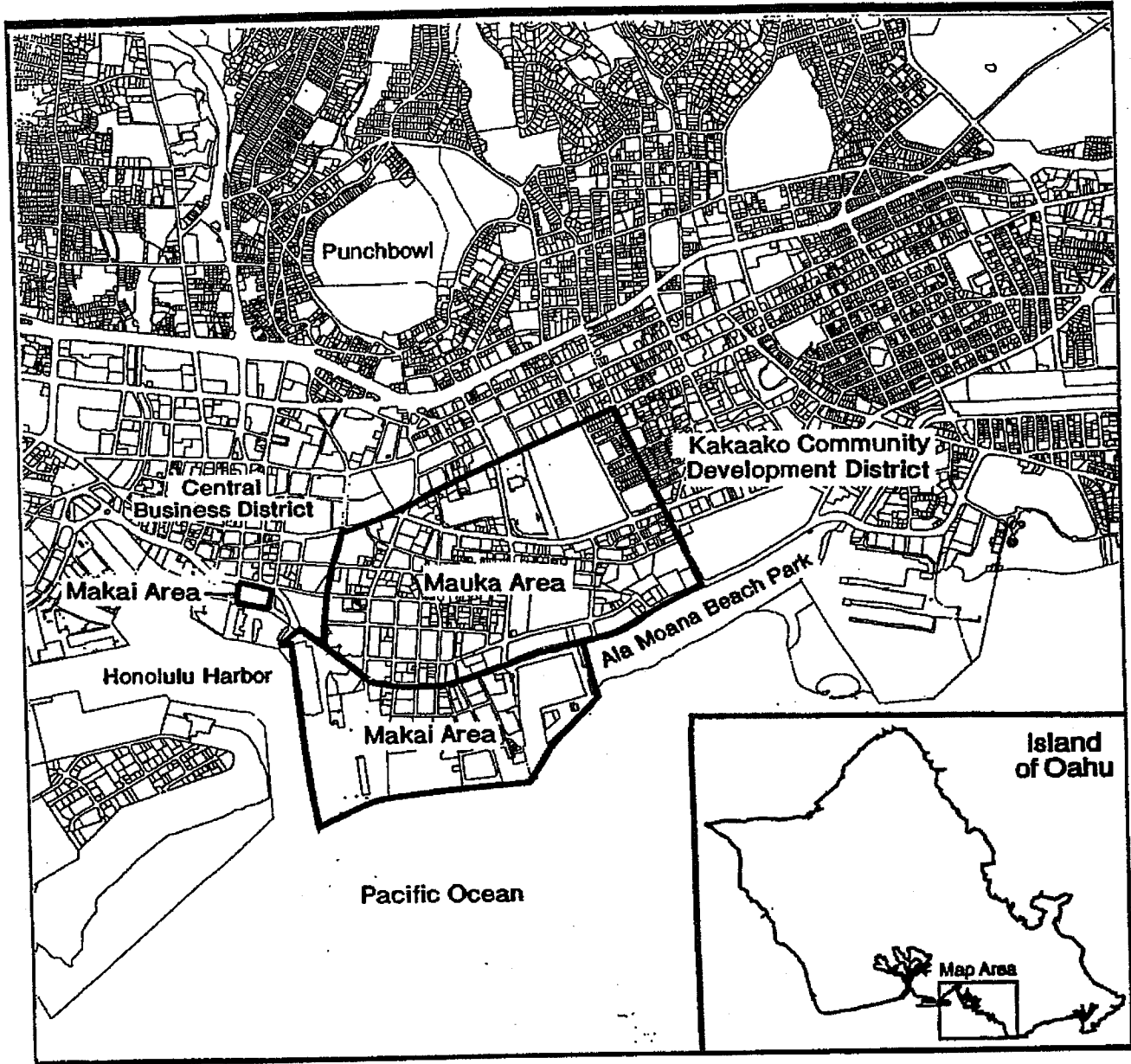
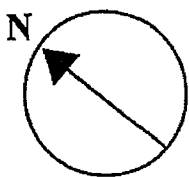


Exhibit 1
Makai Area Context Plan



September 2005

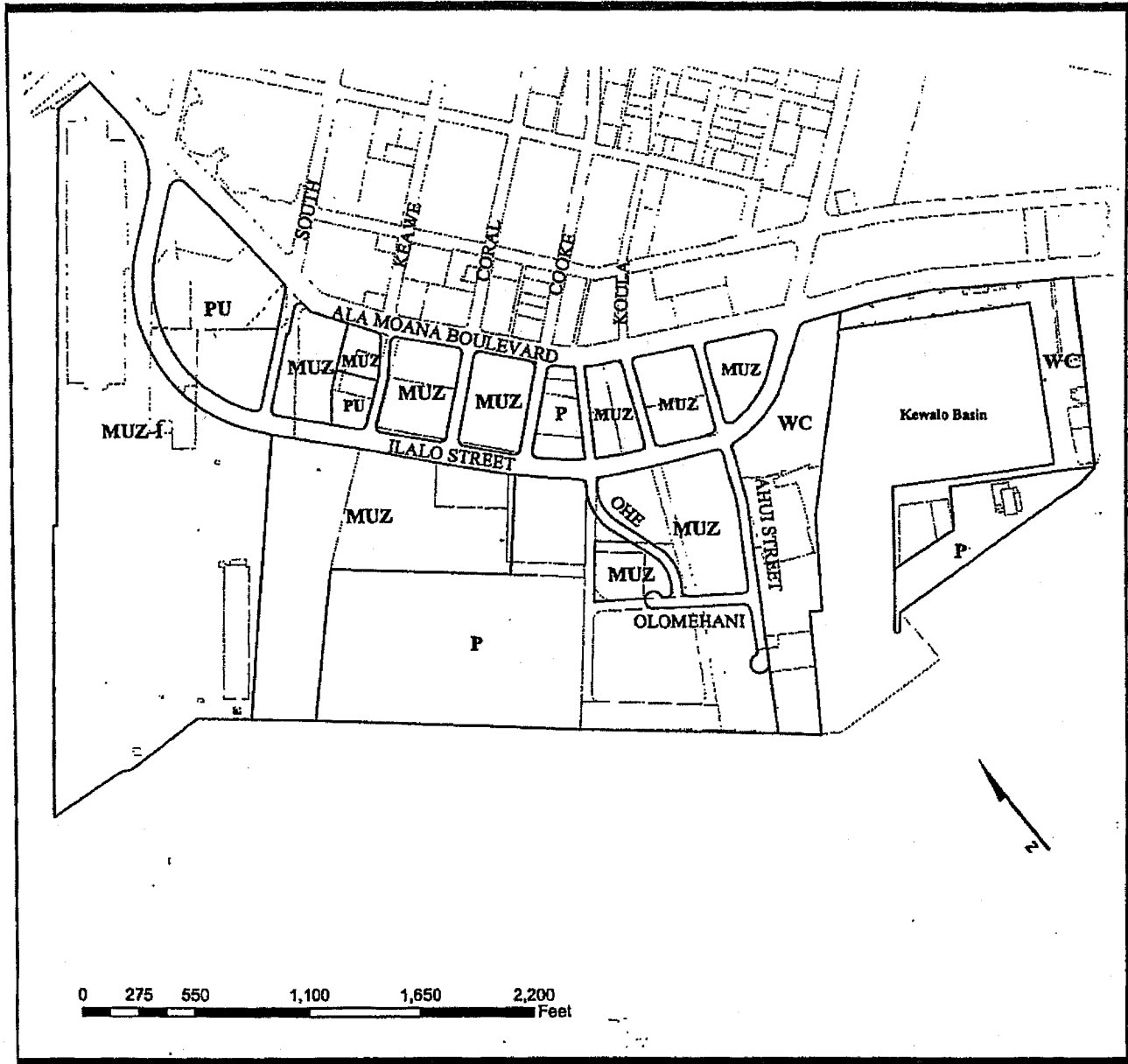


Exhibit 2
Land Use Zones

LEGEND:

- MUZ** Mixed-Use Zone
- MUZ-I** Mixed-Use Zone - Industrial
- WC** Waterfront Commercial
- PU** Public
- P** Park

September 2005

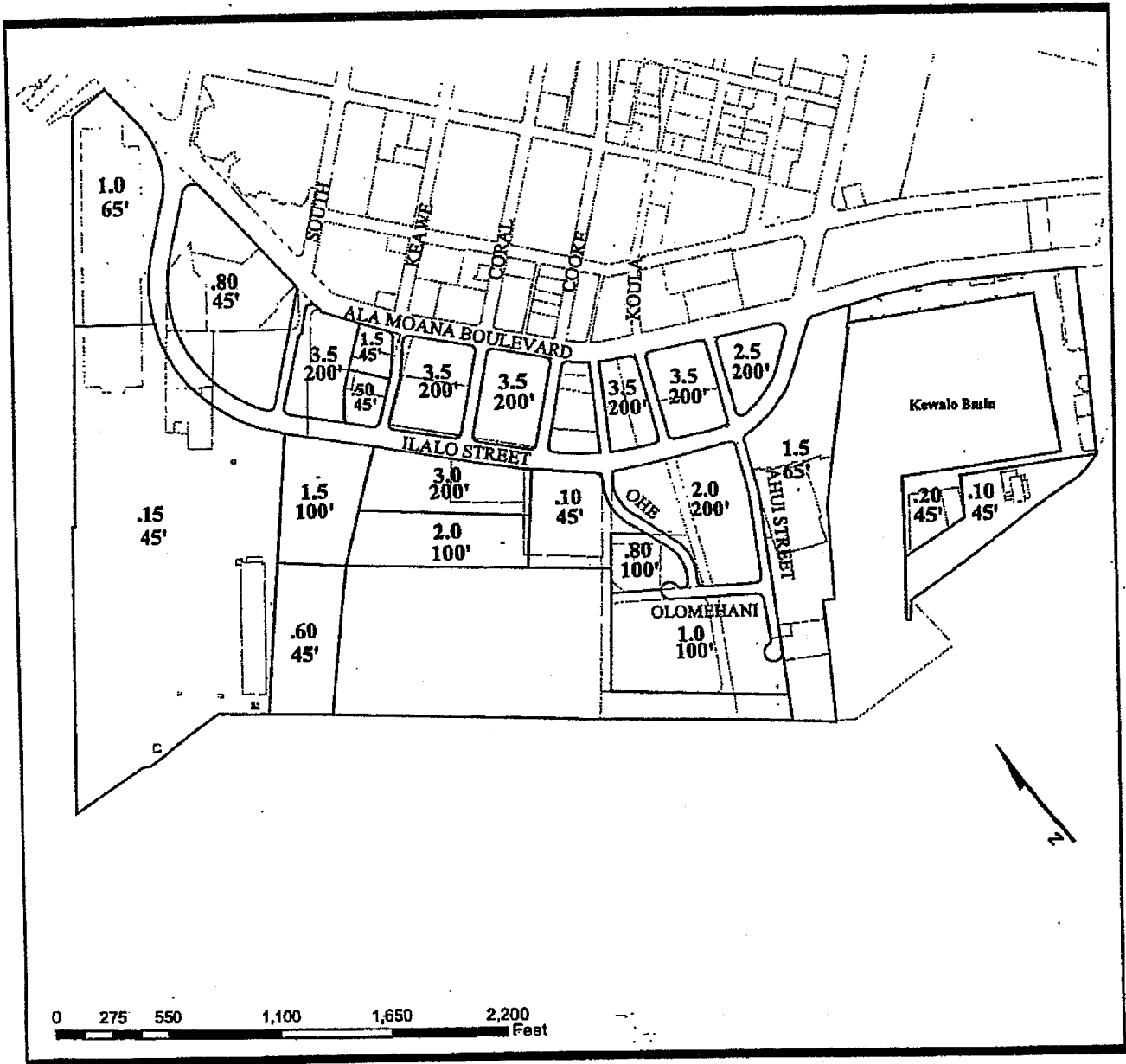
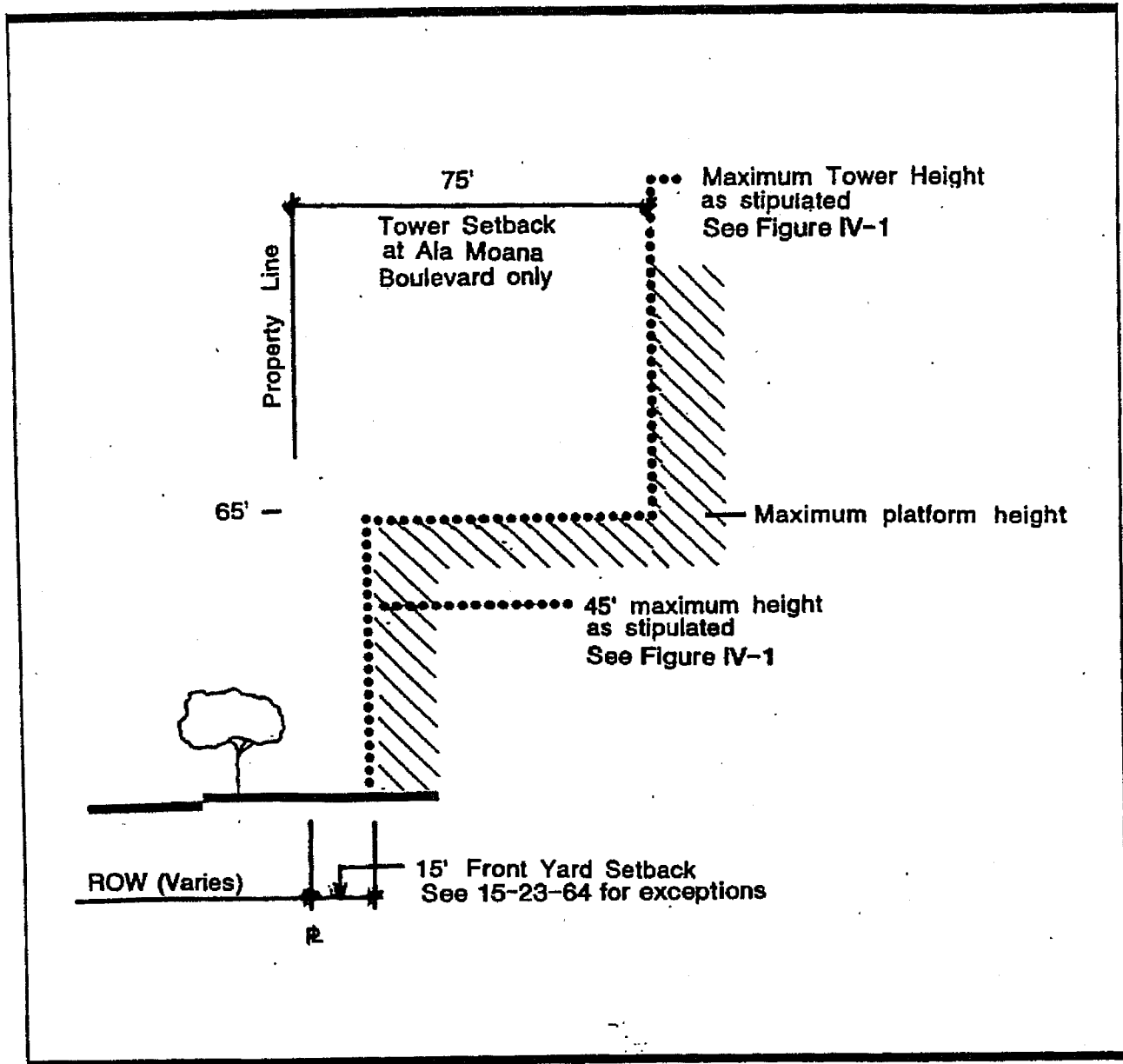


Exhibit 3
Maximum Height and Density Plan

LEGEND:

- 200' Indicates Maximum Allowable Height
- 3.5 Indicates Maximum FAR

September 2005



Not to Scale

Exhibit 4
Maximum Building Envelope


September 2005

Amendments to and compilation of chapter 23, title 15, Hawaii Administrative Rules, on the Summary Page dated September 7, 2005 were adopted on September 7, 2005 following a public hearing held on September 7, 2005, after public notice was given in the Honolulu Star-Bulletin, The Maui News, West Hawaii Today, Hawaii-Tribune Herald, The Garden Isle on August 8, 2005.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

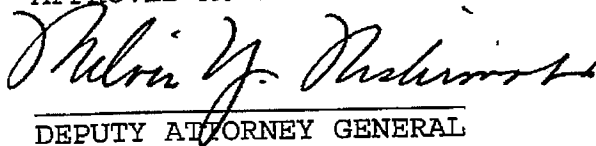


DANIEL DINELL
Executive Director
Hawaii Community Development
Authority

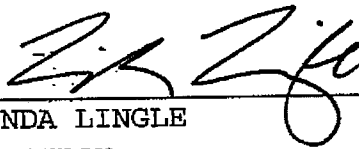


THEODORE E. LIU
Director
Department of Business,
Economic Development and
Tourism

APPROVED AS TO FORM:



DEPUTY ATTORNEY GENERAL



LINDA LINGLE
Governor
State of Hawaii

Date: OCT 24 2005

Filed

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KAKA'AKO MAKAI

ADDITIONAL STUDIES

7. Kaka'ako Makai Conceptual Master Plan
(HCDA, Apr. 2011)



KUHIKUIHI PU'UONE
COLLABORATIVE

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Kaka'ako Maikai



Conceptual Master Plan Final Report
April 2011

Hawaii Community Development Authority



ACKNOWLEDGEMENTS

Ala Moana/Kakaako Neighborhood Board
American Institute of Architects - Hawaii Chapter
American Planning Association - Hawaii Chapter
American Society of Landscape Architects - Hawaii Chapter
Ballet Hawaii
City and County of Honolulu Department of Planning and Permitting
City and County of Honolulu Ocean Safety and Lifeguard Services
State of Hawaii Department of Agriculture
East-West Center
Fisherman's Wharf Restaurant
Fit for Life Hawaii
Friends of Kewalo Basin Park Association
Haleiwa Farmers Market
Hawaii Arts Alliance
Hawaii Capital Cultural Coalition
Hawaii Children's Discovery Center
Hawaii Developers' Council
Hawaii Farm Bureau Federation
Hawaii Farmer's Union
Hawaii Kai Farmers Market
Hawaii Opera Theatre
Hawaii State Bodysurfing Association
Hawaii State Foundation on Culture and the Arts
Hawaii United Okinawan Association
Hawaii Youth Opera Chorus
Hawaii Youth Symphony
Hawaii's Thousand Friends
Hispanic Center of Hawaii
Historic Hawaii Foundation
Honolulu Sea Water Air Conditioning
Honolulu Symphony
Japanese Cultural Center of Hawaii
Kakaako Improvement Association
Kakaako Makai Community Planning Advisory Council (CPAC)
Kewalo Basin Stakeholders Advisory Group

Kamehameha Schools
Kewalo Marine Laboratory, Pacific Biosciences Research Center
Museum of Hawaiian Music and Dance
Ocean Investments / John Dominis Restaurant
Paradise Park
Sierra Club - Hawaii Chapter, Oahu Group
State of Hawaii Department of Economic Business
Development and Tourism
State of Hawaii Department of Human Services
State of Hawaii Department of Land and Natural Resources
State of Hawaii Department of Land and Natural
Resources, State Historic Preservation Division
State of Hawaii Department of Public Safety, Sheriff Division
State of Hawaii Department of Transportation
State of Hawaii Office of Hawaiian Affairs
State of Hawaii Office of Planning
Surfrider Foundation - Oahu Chapter
The Outdoor Circle
United Puerto Rican Association of Hawaii
University of Hawaii
University of Hawaii Cancer Center
University of Hawaii John A. Burns School of Medicine
Urban Land Institute

Project Planning Consultants

MVE Pacific, Inc.
Sasaki Associates, Inc.
Keyser Marston Associates
Project for Public Spaces
Townscape, Inc.
Peter Apo Company
Cumming Corporation
Wilson Okamoto Corporation



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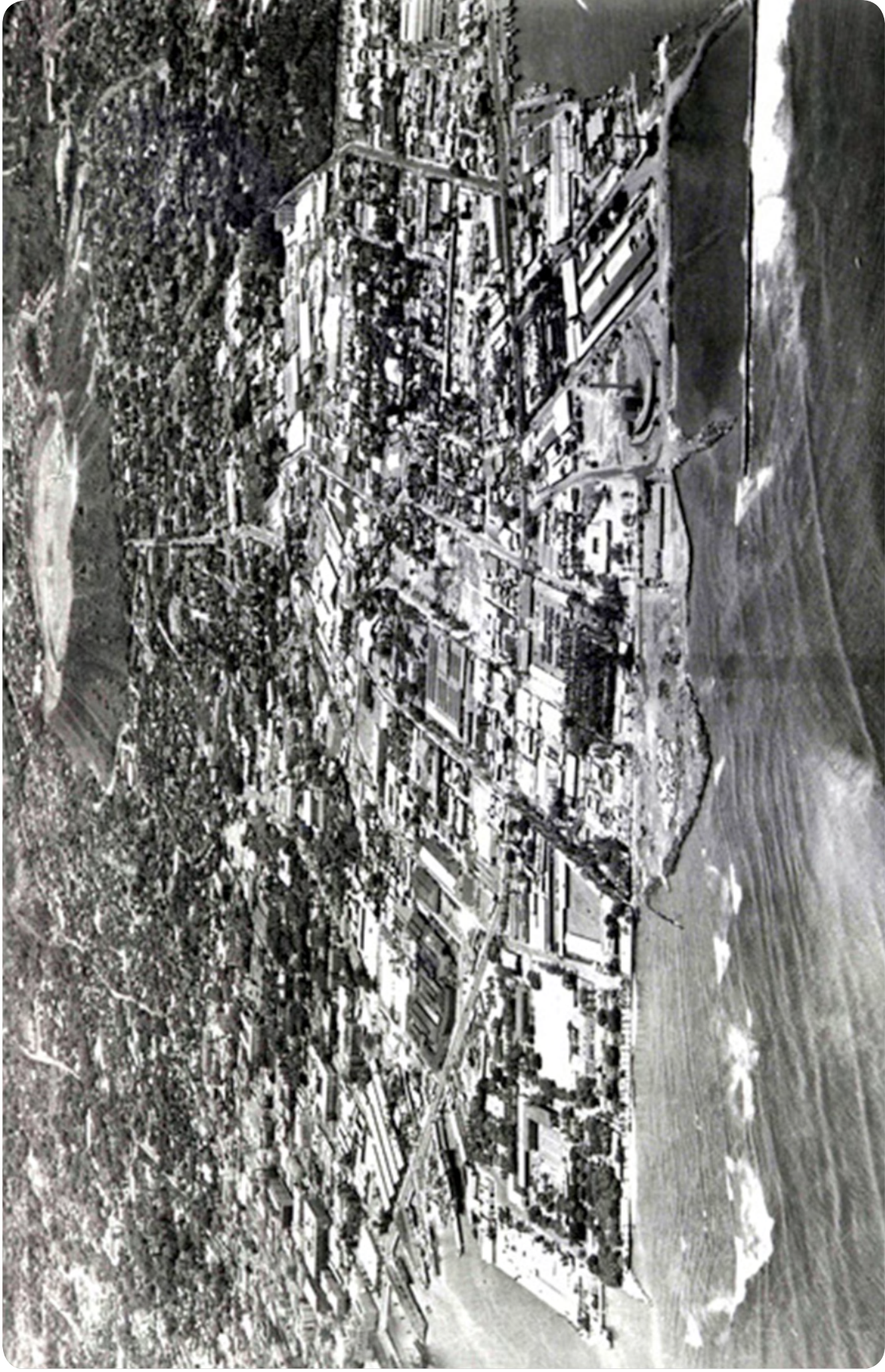
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Aerial view of Kakaako Makai circa 1950

PREFACE

The Hawaii Community Development Authority (HCDA), in the Fall of 2009, retained MVE Pacific and its team of development and planning specialists to lead a community-based master planning process for Kakaako Makai. Building upon the three years of work completed by the Kakaako Community Planning Advisory Council (CPAC) to establish a vision for the future of Kakaako Makai, the consulting team, over a fourteen month period, analyzed physical site characteristics, reviewed the local economic influences, market demand and viability of commercial and other land uses, while engaging the public collaboratively through extensive stakeholder interviews, a series of hands-on workshops, open houses and focused meetings, culminating in a master plan direction for future of the Kakaako Makai district.

The consulting team has prepared, and included in this final report, a summary of the public engagement process and outcomes, including all supporting process data and graphic materials from the execution of the project. This report includes the overall vision, program, concept alternatives and diagrams developed during this community-based process. The report also offers financial and economic analysis and recommendations for the district, as well as suggestions for development implementation over time.





Aerial view of Kakaako Makai

INTRODUCTION

With its prime waterfront location between Waikiki and downtown Honolulu, spectacular views of the ocean, mountains and city skyline, along with the general nature of its current level of “under-development”, this former landfill and industrial use area known as Kakaako Makai has become the focus of considerable attention and interest. The most recent attempt to develop Kakaako Makai involved a proposal to construct a residential and mixed-use project on 37 acres of State-owned land. The winning proposal’s high-rise luxury condominium component received such strong public opposition and political pressure that the State Legislature adopted several resolutions, including a prohibition of residential land uses within the Makai area of Kakaako.

The list of stakeholders and interested parties for Kakaako Makai is extensive. The Kakaako Community Planning Advisory Council (CPAC) was formed in large part because the controversy surrounding the previous development proposal was based upon the perception that the community had been shut out of the planning process. The CPAC includes representation from many of the significant community stakeholders such as park advocates, the surfing community, academicians, along with advocates for the arts and cultural communities. Other significant CPAC members include the University of Hawaii’s John A. Burns School of Medicine and Kewalo Marine Laboratory, Kewalo Basin Harbor interests, and Kamehameha Schools (the largest private landowner in Kakaako Makai).

Many of these stakeholders recognize both the challenges and the potential for developing the Makai Area for public benefit uses. These divergent interests are now resolved to move forward and establish a conceptual master plan to guide future development and its implementation. The legislative mandate to develop a cultural gathering place at Kakaako Makai continues to resonate with many of the stakeholders and now clearly frames the community’s future objectives vision for the Makai Area.

The Makai Area contains approximately 44 acres of centrally located and easily accessible parks and public facilities. However, in many ways the area seems to be a hidden resource and invisible to the community at large. Users of the park are currently local area residents, many of whom enjoy the sense of open space, relative seclusion and expansive mauka and makai vistas. With its history of industrial activity, access to the





Kakaako Makai Districts

INTRODUCTION

shoreline and near shore water had been challenging. Nonetheless, the Makai Area became an oasis for “locals” to pursue body-surfing and board surfing at the area’s highly regarded surf breaks. However, in addition to maintaining access to the near shore waters for public enjoyment, improvement or enhancement of the Makai Area’s park facilities and constructing new public gathering place activities clearly appeals to community stakeholders.

The CPAC has formulated Guiding Principles for the Makai Area that envision: the area as a place that is a safe and secure place for residents and visitors; sustaining public uses on public-owned lands for the greater public good; offering enriching cultural facilities; incorporating a Hawaiian sense of place in the design of area public facilities; and future sustainable operation of the area’s public facilities. Future public gathering place activities may be derived from venues such as a surf museum, performing arts center, Hawaiian music and dance museum, and farmers market. Potential general enhancement and improvements to the existing park and open space resources (e.g., waterfront promenade, additional informal play fields) will also improve the site’s attractiveness as a sought-after gathering place. However, besides park and public facilities, the conceptual master plan recognizes that construction of a limited amount retail, restaurants and other venues promoting local products in the Makai Area will also be necessary to create a public gathering place where the community may also celebrate the depth of its rich cultural diversity.

As the conceptual master plan estimates public facility development costs at approximately \$50 million, the current economic downturn, prohibition on residential activities in the area and a resistance to for-profit land uses, create a serious challenge to financing public facility improvements in the Makai Area. Accordingly, we must work to identify and secure funding for the proposed public facilities and improvements whether through grants, bond measures, private benefactors or through public/private development efforts. Despite the limitations for financing these public improvements, it is important that the Legislature, the HCDA, stakeholders and the community at large continue to make the realization of this conceptual master plan a priority and not another plan that languishes on book shelves and coffee tables. As such, while construction of public facility improvements identified in the conceptual master plan for the Makai Area may occur in phases and appear protracted, the vision and objectives remain sound and must not be abandoned.



PLANNING PROCESS CHRONOLOGY AND MILESTONES

The recent evolution of the planning process for Kakaako Makai:

January, 2005 -

Kakaako Makai Developer Request for Proposal (RFP)

In January 2005, the HCDA issued a Request for Proposal (RFP) in an effort to engage a private development entity to plan and construction public and private facilities at Kakaako Makai. In September, 2005, the HCDA selected A&B Properties' proposal over five others that had been submitted.

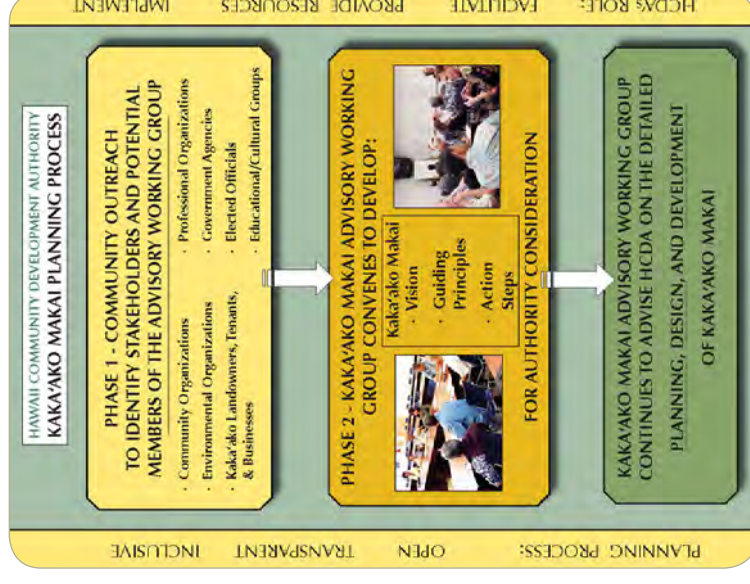
Subsequently, a contingent of well-organized community members mounted strong opposition to the development proposal by A&B Properties. The primary reason for the community's opposition was the proposed sale of public land for private development and use and a perceived lack of opportunity for community involvement in the project.

2006 - House Concurrent Resolution 30

The voice of public opposition was heard at the State Legislature. House Concurrent Resolution 30 (HCR 30) called upon the HCDA to rescind the A&B Project and to convene a working group of interested stakeholders to meaningfully participate in the development, acceptance, and implementation of any future plans for the development of Kakaako Makai. Other statutory amendments established new hearing procedures for the HCDA and removed the prerogative of the HCDA to approve any residential development in the Makai Area. Refer to Appendix 19 for a description of several statutes and resolutions that apply to Kakaako Makai.

November, 2006 - Stakeholder Engagement

In November 2006, to comply with HCR 30, the HCDA engaged independent planning consultant, Townscape Inc., to organize an advisory working group that would participate and assist in the Kakaako Makai Area planning process. This initial outreach effort was focused specifically on getting high-level input and ideas about the future of Kakaako Makai from a diverse set of stakeholders and on forming an advisory working group that would give advice, on an ongoing basis, to the HCDA. Between December 2006



and mid-April 2007, a list of 132 stakeholder names was generated, 54 individuals and groups were invited to be interviewed, and 47 interviews were conducted. The stakeholders interviewed included: citizen and community groups; environmental groups; land owners; recreational groups; professional and business groups; visitor industry groups; arts and cultural groups; historic preservation groups; city and state departments; and elected officials. For the complete summary of these stakeholder interviews see Appendix 1, in this report.

While the results of the interviews were not universal nor conclusive, sentiments emerged that public land should be used for public purposes with the vision that Kakaako Makai be an inviting place for Hawaii residents, comfortable and engaging, and a people-oriented place. Others expressed that there should be an emphasis on green space with continued and enhanced access to the harbor and ocean while promoting commercial and recreational use of the water. When development occurs, many felt that it should be mixed use with an emphasis on cultural and arts facilities.

Spring, 2006 - The formation of "CPAC"

As a part of that initial engagement of stakeholders, the HCDA held a workshop in March 2007 to discuss the role of the advisory group and stressed that its role was advisory and that the group would, at the end of the planning process, provide recommendations to the HCDA on the vision for the future of Kakaako Makai and guiding principles regarding future development of the area. The HCDA also provided funding for meeting facilities and a meeting facilitator for the group. In April 2007, the HCDA invited these stakeholders and the broader community to form an advisory group with the objective of developing a vision and principles to guide the future development of the area. The HCDA envisioned this process as a 'bottom up' planning process and ensure meaningful public participation.

During 2007, the participants of this advisory group elected to name themselves, the Kakaako Makai Community Planning Advisory Council ("CPAC"). The CPAC spent its first ten months selecting a facilitator, adopting operating principles, defining the roles of participants, participation and representation protocols and reaching consensus on a unified purpose. Over the following seven months, the group identified interests, concerns, and aspirations for the future of Kakaako Makai and narrowed this information down to a statement of initial Guiding Principles.

In February 2008, CPAC elected four officers as well as creating two ex officio positions for Kamehameha Schools and the Office of Hawaiian Affairs as major stakeholders in the area, indicating an inclusive approach and a desire to speak as the voice of the community.

The Spark M. Matsunaga Institute for Peace at the University of Hawaii was retained to facilitate the group's meetings, which were held each month and open to the public where various interests, concerns, and aspirations the CPAC meeting participants shared for the future of Kakaako Makai were discussed, leading to the development of the Guiding Principles for the Kakaako Makai Master Plan. By the end of the facilitation contract, the CPAC had organized itself and started conducting community meetings on its own. The CPAC developed its own procedures to gather and select input from the community for the Vision and Guiding Principles, which was intended to serve as the primary guiding document for future planning of the area.



PLANNING PROCESS CHRONOLOGY AND MILESTONES

Adoption of the Vision Statement and Guiding Principles

Recognizing the importance of respecting all interests, every member's ideas and comments were heard and incorporated into a list of 270 nominations for Guiding Principles. Through a careful process involving multi-voting, computer analysis, tabulation, and cross-referencing of keywords, the group reduced the number of guiding principles to 32, and eventually to the 14 in the final form. In November 2008, the CPAC adopted the Guiding Principles by consensus. In January 2009, the CPAC also adopted a Vision Statement for Kakaako Makai, also by consensus.

The development of a Vision Statement and Guiding Principles for Kakaako Makai involved many hours of work contributed by a dedicated group of community volunteers. In all, over the period from March 2007 through January 2009, 47 public meetings were conducted by the CPAC. Their commitment and efforts, along with the Vision and Guiding Principles, were to continue into the next planning phase.

VISION STATEMENT

THE HAWAIIAN PLACE OF KAKAUKUKUI AND KUKUKUAE

Kakaako Makai is the community's gathering place. A safe place that welcomes all people, from keiki to kupuna, 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. Kakaako Makai honors, celebrates and preserves its historic sense of place, Hawaiian cultural values and our unique island lifestyle for present families and future generations.

GUIDING PRINCIPLES



Community Cultural Gathering Place

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

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



Hawaiian Culture & Values of the Ahupuaa

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

- Emphasize the host Hawaiian culture.²
- Incorporate the 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.
- Adopt the ahupuaa lifestyle of individual kuleana working together and contributing to the whole for a greater level of stewardship, conservation, and proper management of resources with contemporary land-use benchmarks, such as growth boundaries and carrying capacity.
- Assure that the planning of collective or individual traditional features, settings, and activities will be overseen by Hawaiian historic and cultural experts to prevent misinterpretation or exploitation.



Open View Planes

Protect, preserve and perpetuate Kakaako 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.³

- 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 Kakaako Makai's public lands and Kewalo Basin Harbor.



GUIDING PRINCIPLES



Coastal and Marine Resources

Preserve, restore and maintain Kakaako Makai's valuable coastal and marine resources for present and future generations.

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



Expanded Park and Green Space

Ensure expansion of Kakaako Makai's shoreline parks as significant landscaped open spaces⁴ joining the lei of green parks extending from Diamond Head (Leahi) to Aloha Tower.

- 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.
- Welcome residents and visitors alike with green open space, abundant shade trees and opportunities for family recreation.
- Use the established park planning standard of at least 2 acres per 1000 residents as a benchmark to assure sufficiency of park space to contribute to the health and welfare of Kakaako Mauka's growing population and offset increased urban density, noise and pollution.



Public Accessibility

Provide open and full public access to recreational, cultural and educational activities within and around Kakaako Makai's parks and ocean shoreline.

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



Public Safety, Health & Welfare

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



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

- Recognize and respect the effort and intent of the Hawaii State Legislature to uphold the greater public interest by ensuring and sustaining public uses on Kakaako Makai State public lands for the greater public good.
- Preclude the sale of public land and development of housing in Kakaako Makai,⁶
 - Demonstrate commitment to serve the highest needs and aspirations of Hawaii's people and the long-term good of Hawaii's residents and future generations through community-based planning;⁷
 - Restore the site-dependent use of Kewalo Basin Cove to the Kewalo Keiki Fishing Conservancy.⁸



Kewalo Basin

- Ensure that 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 Kakaako Waterfront Park.
- Enable continued functional commercial boating uses at Kewalo Basin Harbor⁹ and preserve the beneficial relationships between the existing small commercial fishing and excursion boat businesses and land-based maritime support service businesses.
 - Ensure that Kewalo Basin will continue as a State of Hawaii commercial harbor and valuable public facility asset by repairing, maintaining and enhancing the harbor for small commercial fishing and excursion boat use.
 - Ensure the protected use of Kewalo Basin Cove for Kewalo Keiki Fishing Conservancy keiki fishing and marine conservation programs.
 - Support Kewalo Marine Laboratory's valuable marine biology and ecosystems research and education in the vicinity of Kewalo Basin.
 - Ensure preservation of Kewalo Basin Park, the net house and parking lot for public use, improve existing facilities within the park, and provide green open space between Ala Moana Park and the channel frontage.¹⁰



GUIDING PRINCIPLES



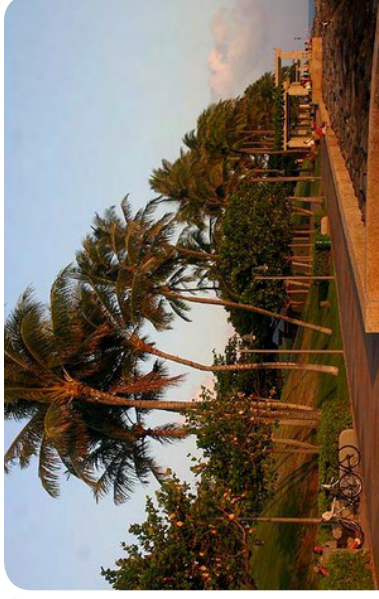
Cultural Facilities

- Offer public enrichment opportunities through both fixed and flexible cultural facilities that celebrate the diverse cultures of Hawai'i and blend compatibly with the shoreline open space.
- Contemplate compatible indoor and outdoor performance venues that encourage the teaching, practicing, and presentation of hula, theater, music, dance, and other performing and visual arts, with an outdoor multi-cultural festival space for Honolulu's diverse ethnic communities.¹¹
 - Contemplate educational facilities, such as an exhibition hall with permanent, interactive and rotating exhibits, museums communicating the cultural history of the area, and places for traditional Hawaiian cultural practices.¹²
 - Establish a cultural market stocked by local farmers, fishers and Hawaiian traditional craft makers to reflect the Hawaiian values of gathering and trading in the ahupuaa between the mountains and the sea.¹³



Small Local Business

- Apportion a limited number of small local businesses to assist in cooperatively sustaining Kakaako Makai's public use facilities.
- Ancillary small businesses may include diverse local restaurants, cafés, small shops, markets or other uses that will complement the recreational, cultural, harbor or other public facilities serving the community interest.¹⁴
 - Encourage small local enterprises that emphasize the Hawaiian culture and support traditional local products, rather than large corporate retailing attractions.



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

- Ensure that Kakaako Makai's public use facilities are compatible in placement, architectural form, and functional design within the landscape of the shoreline gathering place.¹⁵
- Provide and maintain abundant native coastal plants and trees to blend the scenic and sensory qualities of the coastal environment and create a Hawaiian sense of place.
 - Identify, protect, preserve, restore, rehabilitate, interpret and celebrate Kakaako Makai's historic sites, facilities, settings, and locations.
 - Maintain the quality of coastal environmental elements including natural light, air and prevailing winds.
 - Mandate sustainability principles, conservation technologies, and green building standards for buildings, grounds and infrastructure.¹⁶



Community/Government Planning Partnership

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

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



Future Funding & Management

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

- The community land conservancy will be essential in determining safeguards to restore, protect and perpetuate Kakaako Makai's natural shoreline resources and view planes, historic and recreational resources, and public uses on State public lands in the public interest as a quality of life benchmark.
- This conservancy may be a public/private partnership of the Kakaako Makai Community Planning Advisory Council (CPAC), the Hawaii Community Development Authority (HCDA) or current oversight agency, and private contributing interests to both monitor and underwrite public use on State public land in service to the public good.¹⁷

¹Hawaii 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.

²206E-34(c)(5), Hawaii Revised Statutes. The Hawaiian host culture is emphasized as pre-eminent yet inclusive of other cultures.

³Significant Panoramic Views Map A-1, Honolulu Primary Urban Center Development Plan.

⁴Inclusive of Kewalo Basin Park, Kakaako Waterfront Park and Kakaako Gateway Park.

⁵Protection 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/1007/46017.1.html> and http://www.nytimes.com/2007/10/05/us/05labs.html?_r=1.html

⁶206E-31.5, Hawaii Revised Statutes.

⁷HCR 30, 2006.

⁸Act 3, 2007, Special Session.

⁹206E-33(2), Hawaii Revised Statutes.

¹⁰Inclusive 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.

¹¹206E-34(d)(3), Hawaii Revised Statutes.

¹²206E-34(d)(5), Hawaii Revised Statutes.

¹³206E-34(a) and (b), Hawaii Revised Statutes.

¹⁴206E-34(d)(2), Hawaii Revised Statutes.

¹⁵Encourage private development mauka of Ilalo Street to compliment the gathering place concept of the Kakaako Makai public use area on public lands by providing landscaped setbacks and inviting open architecture at the street level.

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

¹⁷206E-34(c)(3), Hawaii Revised Statutes.

PLANNING PROCESS CHRONOLOGY AND MILESTONES

November, 2009 through March 2011 - Kakaako Makai District Master Plan

During 2009, HCDA selected MVE Pacific and its multi-disciplinary team to lead the formulation of a community-based master plan to envision and shape the future of the approximately 200 acres of public land makai of Ala Moana Boulevard in the Kakaako District. The MVE Pacific team included community outreach specialists, economists, engineers, and cultural experts along with place-making experts, urban planners, architects, and landscape architects offering experience in public consensus building and national and international public waterfront planning, design and development.

A comprehensive community outreach, conducted as a critical step in planning for the future of Kakaako Makai, entailed a wide breadth of activities to engage the district stakeholders in a vital conversation of their aspirations and vision for the property. An endeavor of this magnitude is seldom successful in the long term without identifying and adapting to the current and future social, political and economic conditions locally, regionally and beyond. Both independent research and information gained directly through individual and small group meetings with constituents, regulatory agencies, development professionals and just ordinary community folks with an interest in the future were interviewed prior to any initial conceptual planning. A process for community outreach and collaborations was developed as these discussions progressed and led to an approach that considered the necessity to communicate, analyze, consider, adapt and re-communicate with this wide body of stakeholders in a series of meetings, workshops, focused group sessions, open houses, interactive websites and other forms of direct collaboration.

Commencing with a meeting in November 2009 where the MVE Pacific team and the planning process were introduced to the public and culminating in late October 2010 with the presentation of conceptual plan diagrams, the master planning effort entailed a total of three open community workshops, a week-long open house, fourteen CPAC meetings, eleven “project team” meetings, stakeholder interviews with representatives of 45 groups including 95 individuals, and twelve “focused group” work sessions. Through the HCDA’s public consultation web portal, 114 comments had been recorded as of October, 2010, and through traditional means of phone calls and letters, public input has continued to be received and is included in its totality in this report in Appendices 17 and 18. The following sections of this report illuminate the tremendous effort by HCDA and the community in following through with the mandate for a ‘bottom up’ community planning process in arriving at conceptual master plan for Kakaako Makai.

November, 2009 - Team Introduction and “Kick-Off” Meeting

The members of the MVE Pacific planning team, along with members of the Kakaako Community Planning Advisory Council (CPAC) and the HCDA project team, introduced themselves to the community in November of 2009. This public meeting, held at the offices of the HCDA, included a team presentation of physical planning principles from both a cultural and place-making perspective.

Peter Apo, a part of the Project planning team, provided a cultural and philosophical perspective to community planning and described the history of the site, its role in the Honolulu Ahupuaa, (the traditional Hawaiian subdivision of land from the mountain to the sea), keys to a successful development process and the

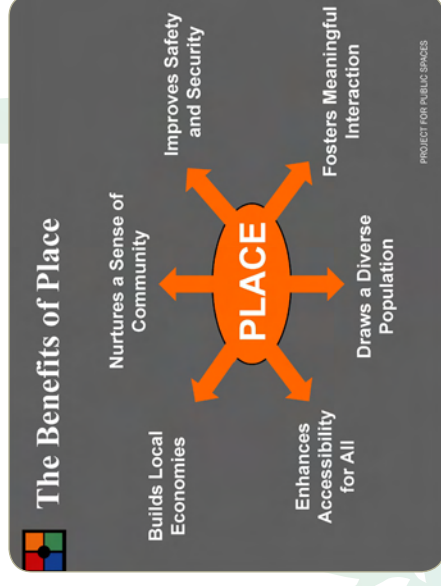
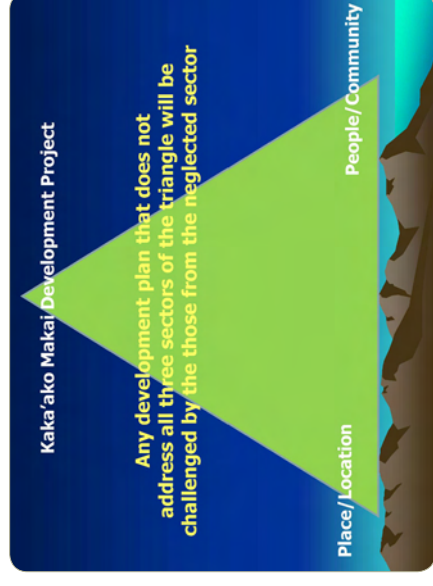
importance of transforming the property into a gathering place and source of pride for the community. Project for Public Spaces (PPS) staff provided insights on the ingredients that make up great public places and waterfronts by presenting international examples and honing in on land use relationships as well as subtle urban design details.

A process and general timeline describing the series of events and milestones that would ultimately lead to a conceptual master plan being forwarded to the HCDA for adoption was developed. Additionally, an outline of the planning and outreach process was prepared diagrammatically in front of the attendees for discussion and critique. This process was characterized by four major components: (1) Research & Information Gathering, (2) Community Meetings and Workshops, (3) Program Development and Conceptual Plan Alternatives and (4) Creation of a Preferred Plan and Financial Feasibility Analysis.

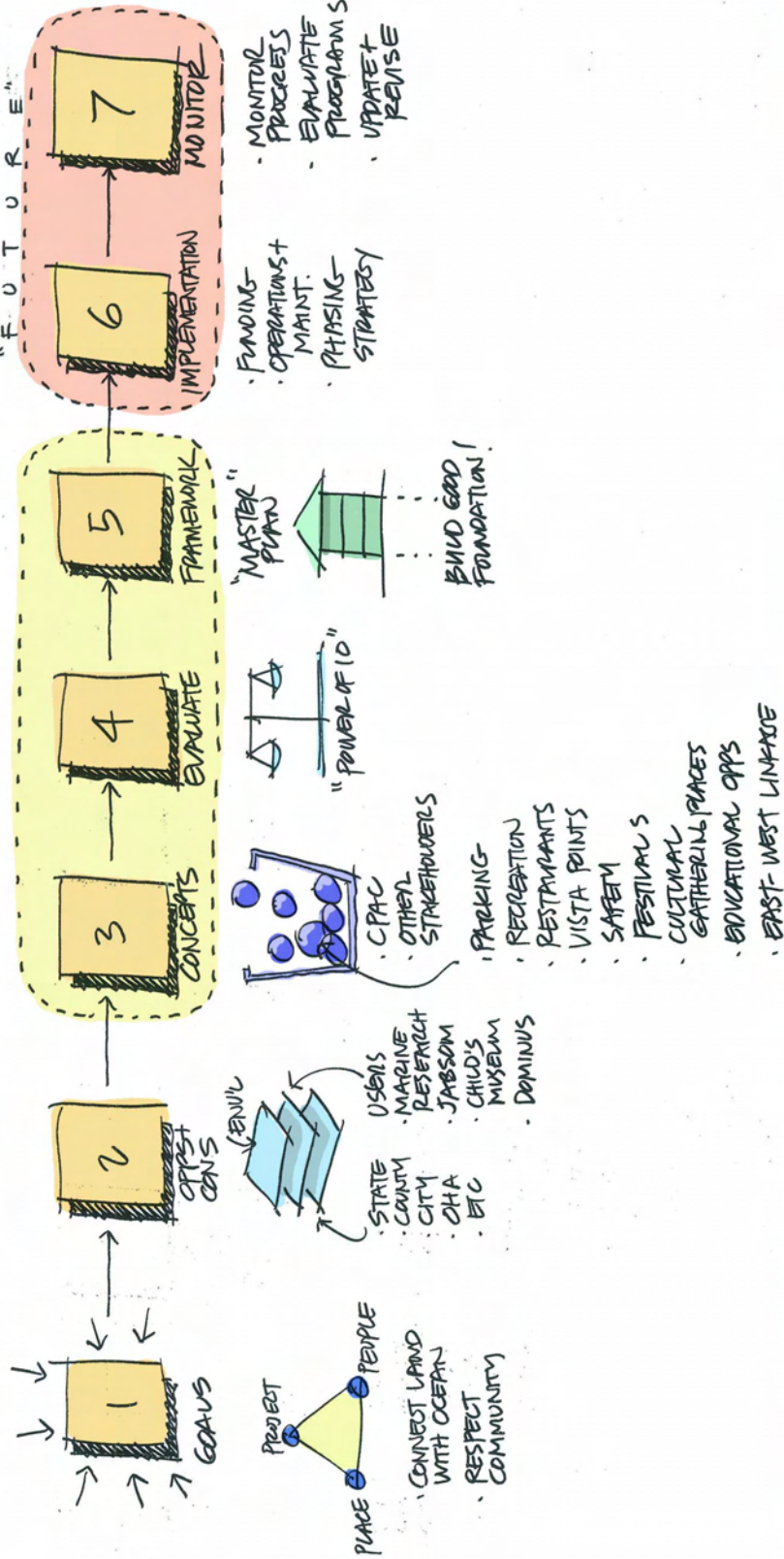
CPAC members shared their insights both personally and as a group about the creation, meaning, purpose and intent of each of the guiding principles and fielded questions about them from other members of the public and the planning team. As the CPAC had been designated as a critical and integral component of the community outreach and planning collaboration process throughout the entire evolution of the project, it had been deemed critical that they participate actively in every step of the process.

An open discussion identified ways in which these planning principles, public engagement events and process can complement the work already accomplished by the CPAC with their creation of the Vision and Guiding Principles for Kakaako Makai.

For the complete slide presentation of this initial community meeting, see Appendix 3.



"KAKA'AKO MAKAI PLANNING PROCESS"



"C O M M U N I T Y P U T"

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PLANNING PROCESS CHRONOLOGY AND MILESTONES

Research November, 2009 – January 2010

At the initial phases of this effort, the consultant team researched and analyzed the property to develop an understanding of the context of this community of Kakaako, from its physical and environmental characteristics to the history of the land and people, and from the political and economic challenges to the social opportunities. From this basis, the community engagement phase of the master planning effort began.

Kakaako Makai has a unique and complex history. From its origins as wetlands with fish and salt ponds to mid 20th Century land expansion and industrial uses and even today as the singular urban waterfront redevelopment opportunity for Honolulu, this place continues to build on its history and as a critical public resource for all of Oahu. An in-depth study of the Cultural Anthropology was commissioned by the Project Team in order to establish the critical understanding of the areas past, so a vision could be supported for the future. The study is included in full in Appendix 2.

The physical makeup of the site was evaluated. This included a survey of community resources such as parks, recreation, education, civil and cultural opportunities in the area within and immediately surrounding the Honolulu ahupuaa. Also depicted in a series of studies were land uses, property ownership and lease arrangements, the condition and capacity of the roads, circulation and utility infrastructure, as well as the environmental and social patterns of the district to understand the resources to retain and those needing improvements.

The Planning Team took time to understand the extensive previous history and current planning of the Kakaako and greater Honolulu urban waterfront. As an example, in recent years, two major land owners in the neighboring Mauka community received master plan permits for long term mixed-use redevelopment master plans of substantial size and impact to the overall Kakaako area, which will lead to important synergistic opportunities for the future of the public Makai lands. Specifically, immediately mauka of the project is the 28-acre Kamehameha Schools Kaialu o Kakaako community as well as the Ward Neighborhood master plan of General Growth Properties to the east on the land of the Victoria Ward Estate.





KAKAAKO MAKAI MASTER PLANNING DISTRICT

HAWAII COMMUNITY DEVELOPMENT AUTHORITY