HCR 161 HD1

EDT



HOUSE OF REPRESENTATIVES

STATE OF HAWAII STATE CAPITOL HONOLULU, HAWAII 96813

April 15, 2010

The Senate Committee on Economic
Development and Technology
Hearing: April 16, 2010 1:30pm
Hawaii State Capitol, Conference Room 423
415 S. Beretania Street
Honolulu, Hawaii 96813

Chair Carol Fukunaga, Vice Chair Rosalyn Baker, and members of the Economic Development and Technology Committee:

Thank you for hearing HCR 161. I testify in strong support of this measure as a fellow legislator, community member, and as a friend of the arts.

I ask for your serious consideration and support of House Concurrent Resolution 161- Requesting Castle & Cooke Hawaii, Inc. to Work with Oahu Arts Center and the Community to Secure an Appropriate Site for an Arts Center. This center will not only serve our Central, Leeward, and North Shore communities but will serve as a gathering place to celebrate and promote arts and arts education for those throughout the State of Hawaii.

The development of a performing arts and arts education center is very significant for our community. An arts center in Central O'ahu will serve all segments of our population from keiki to kupuna on a daily basis in creating and enjoying all forms of art. Moreover, the development of such an arts center will protect, promote and nurture the work of local artists and our local art industry.

Major partnerships with the Honolulu Symphony, the Honolulu Theater for Youth, the Honolulu Academy of Arts and other arts organizations may bring successful arts programs and major theater productions to residents of Central, Leeward, or the North Shore of O'ahu - outside of Honolulu, without having to cope with or add to the current traffic issues.

A performing arts center and arts education center like the Oahu Arts Center, is an economic development opportunity for our community. The construction and development of this arts center will create local jobs therefore allowing the arts center to serve as a means for the development of other arts-related businesses and opportunities in the area.

I strongly believe that the development of the O'ahu Arts Center in the projected location is viable and sustainable to our Central O'ahu community and the State of Hawaii, and should be supported by your adoption of House Concurrent Resolution 161. I urge your serious consideration and support of this resolution. Mahalo for this opportunity to testify.



94-450 Mokuola Street, Suite 102, Waipahu, HI 96797 www.pasdedeuxhawaii.com 671-0350

April 15th, 2010

To the honorable members of the Economic Development and Technology Committee, Hawaii State Senate,

I am in strong support of the release of land designated for the development of the Oahu Arts Center.

I'm a professional actress, singer, dancer and entrepreneur who grew up in Wahiawa and Mililani and was able to establish a career as a Television Actress, Professional Dancer and Broadway Performer in Los Angeles and New York. However, in order for me to gain any sort of knowledge and experience in my field, I had to leave my family here in Hawaii to pursue my goals of becoming a professional actress, singer, dancer in Los Angeles. When I arrived on the mainland I was overwhelmed with the abundant options I had as a performer. The term "Musical Theatre" was brand new to me and I had no idea someone could actually attain a career performing on-stage eight shows a week singing and dancing, belong to a Union where your rights as a performer were protected and that by doing so you qualified for affordable medical coverage and that monies could be put aside for my retirement. Needless to say there was a lot of catching up to do on my part. Had I not made that leap from my small town of Wahiawa I would not be nearly as successful as I am today, starring on an international TV show for Disney and owning a brand new Performing Arts Studio here in Hawaii.

I feel that there is an abundance of support for athletics in our community with the creation of numerous parks and pools and that the children whose interests lie within the arts are being ignored and not nurtured by those who represent them. We need to acknowledge these people, these children as vital members of our community. These are the individuals who will lead and influence all of us in the future. We need to create an environment for their talents and skills to grow and become viable for them in their future career goals, whether it be public speaking for a future lawmaker, dressmaking for a future award winning costume designer, singing in front of large audiences for a future award winning recording artist or watching a Ballet for the first for an aspiring prima ballerina. All these opportunities for members of my community can be created under the establishment of a Central Oahu Arts Center.

Not only is it a place for individuals to share their creative works, the theatre is where a group of people have the ability to tell a story and become a living, breathing display of

our collective thoughts and emotions. It is a powerful thing and can be used to bring different people with different belief systems together under one roof. Art creates a forum for community members to open their hearts and minds to new ideas. It fosters growth for the young and old alike.

Central Oahu currently does not have a facility to support the growing demands of our youth who have an eagerness to perform. With popular shows like American Idol, So You Think You Can Dance, Dancing With The Stars, Fame, High School Musical, Chicago, Nine, Dreamgirls, Hairspray, etc...the need for a localized venue is apparent.

Everyday I get calls to join our theatre program. I would say more and more students are choosing musical theatre over any other form of performing arts. Proper training cannot be attained without a venue for them to refine their craft, to have the experience on stage in a real theatre where there are props, sets, a stage manager and a dress circle. They need to know what it's like when the lights go down and you are the only one onstage who knows what happens next, to have the ability to move people with a simple pause or nuance. All is not possible without a proper venue for members of our community and aspiring artists to experience life in the theatre.

I beg you to seriously consider the urgent need for the development of the Central Oahu Arts Center and continue with the release of land from Castle and Cook. Inc.

Wendy Calio
Owner and Director of Pas De Deux Performing Arts Center
and Star of the Emmy Award Winning Disney TV Show Imagination Movers

From: Jo-Ann M. Adams [jadamsesq@aol.com]
Sent: Thursday, April 15, 2010 7:51 AM

To: EDTTestimony

Subject: In Support of HCR 161 (CCH Land to be donated to Oahu Arts Center)

TO THE ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE

Chair: Senator Carol Fukunaga - 586-6890
Vice Chair: Senator Rosalyn Baker - 586-6070
Members: Senator Clayton Hee - 586-7330
Senator David Ige - 586-6230
Senator Sam Slom - 586-8420

Re: HCR 161 (Oahu Art Center) - Testimony in Support

Hearing Date: Friday, April 16, 2010

Time: 1:30 PM

Place: Conference Room 423.

Please support and recommend for passage HCR 161HD1. This resolution requests Castle & Cooke Hawaii, Inc. to release the land designated for the Oahu Arts Center. This Oahu Arts Center will serve our Central, Leeward, and North Shore communities.

It is envisioned that the Oahu Arts Center will serve all segments of our population from keiki to kupuna. It will serve as a gathering place to promote the arts and arts education. It will promote and nurture the work of local artists.

The Oahu Arts Center represents an economic development opportunity. It will create local jobs, not just for the construction and operation of the center Center, but for "surrounding businesses" that provide services to OAC visitors, e.g., restaurants, gas stations.

I urge your consideration and support of this resolution.

Thank you for this opportunity to testify.

Jo-Ann M. Adams, Esq.

LAW OFFICES OF JO-ANN M. ADAMS, LLLC Seven Waterfront Plaza, Suite 400 Honolulu, Hawaii Mailing Address: PO BOX 75472, Honolulu, HI 96836 Telephone: (808) 528-2100 Fax: (808) 370-0259

From: RICHARD POIRIER [rpoirier3@msn.com]

Sent: Thursday, April 15, 2010 6:54 AM

To: EDTTestimony

Subject: HCR161 HD1 Hearing before the Economic Development & Technology Committee on

Friday, April 16, 2010 at 1:30 p.m.

Dear Chair Fukunaga and members,

The Oahu Arts Center will provide a much-needed and long-awaited venue for theater, music, and the arts.

Both of our Mililani neighborhood boards and the community-at-large have long-supported this important and much-needed project.

Please vote for HCR161 HD1.

Mahalo nui loa,

Richard & Marion Poirier 95-584 Naholoholo Street Mililani Town, HI 96789 Here is the cut and paste version:

Senator Carol Fukunaga, Chair Senator Rosalyn H. Baker, Vice Chair Members, Senate Committee On Economic Development And Technology

Ann S. Freed 95-227 Waikalani Dr. A403 Mililani, HI 96789 annfreed@hotmail.com 808-623-5676

April 15, 2010

Strong Support for HCR161 requesting Castle and Cooke Hawaii, Inc. to release land designated for the operational development of the Oahu Arts Center (OAC).

As a central Oahu resident I have come to see how transformative the OAC can be for our community. This multipurpose arts facility, designed to provide performance, arts studio and classroom space as well as serve our leisured senior population can make central Oahu, more livable as well as more diversified. It will serve the youth, who need space for their arts education and performance. It will serve parents who want a space dedicated to their kiekis artwork exhibition and arts performances. It will serve adults who want to learn more about the arts. It will serve seniors who in our community have a high level of disposable income combined with leisure time.

Mililani Town, Mililani Mauka as well as Wahiawa and the North Shore will benefit greatly from these arts education programs, performances and art exhibitions. Small businesses that serve those who use the center will also thrive. Central Oahu will move away from the current trend towards becoming a bedroom community with traffic streaming towards Honolulu during more and more hours of the day.

As a member of Neighborhood Board 25 I have voted in favor of many resolutions supporting the creation of this facility, as have most of the other neighborhood boards in Central and North Oahu.

But we have hit a double snag, an economic downturn and an about face by the developer of Mililani Mauka, Castle & Cooke who had promised to donate the land once the planning phase was complete. Without the land, major donors who have expressed interest are reluctant to give money to this promising and much hoped-for project.

Castle and Cooke will tell you that the project is to costly at estimated 89 million dollars. They know that we have scaled the project back to an education building and an amphitheater to be built in phases at a cost of 25 to 29 million.

Castle and Cooke will tell you that we didn't meet their conditions for donation. The fact is they kept raising the bar on criteria.

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This land was designated for public use in the original application for permit. We believe in the OAC. We have a broad base of community support from community leaders. We think that the OAC is the

best use of this land for the quality of life in Central and North Shore Oahu. Ultimately we believe that the OAC will benefit all of Oahu, much the same as the Maui Arts Center on Maui. We urge you to pass this resolution and hope that Castle and Cooke will subsequently donate the land to the OAC for the good of the community that they built.

Mahalo nui loa for allowing me to testify,

Ann S. Freed Chair, Legislative Committee OAC Board of Directors

From: Grace Dixon [dixonhq@hawaii.rr.com]
Sent: Thursday, April 15, 2010 11:45 AM

To: EDTTestimony

Subject: OAC

As a long time resident of Wahiawa, I favor the Oahu Arts Center as a vital ingredient in the long term quality of life for residents from Central Oahu and beyond. Such a center will encourage residents to support local talent in ways we cannot now envision. I t will also combat the cynicism we now feel for all those government and private developer agreements where so many promises have been broken. Castle and Cook should be held to the highest standards of truth and follow through on their promises to the tax payers who subsidized their current wealth based upon services and support from Wahiawa and other neighborhoods who have long supported every whim of this giant corporation.

Right now Mililani Mauka is a stark people-less region during the working day when there are no people on the streets, "it is a ghost town, there is no there ". That is not what Castle and Cook promised.

The Oahu Arts Center would stimulate real community life, give a reason for small business to offer close in community shopping and get residents walking and making the neighborhood lively and safe and secure from opportunistic crimes against property. It might even help reduce traffic problems resulting from so little live entertainment and cultural events to be found in this part of the island.

Grace Dixon, 1657 Ho'olulu Rd, Wahiawa Hi 96786

From: JAMES FAWN GIBSON [mailto:jimfawn@msn.com]

Sent: Thursday, April 15, 2010 3:37 PM

To: EDTTestimony **Subject:** Testimony

HCR 161, HD1 April 16, 2010 1:30 p.m.

This testimony is in support of finding suitable land for the development of the Oahu Arts Center. Our family was involved in the original theater productions of OAC. I tent in a field in Mililani Mauka is NOT acceptable, especially when it RAINS during a performance as it did for the very first one. This community needs an art center and the benefits it can provide.

Sincerely, Fawn M. Gibson 515 Main St. Honolulu, HI 96818

808-286-6059

Corinne Gallardo
1164 Bishop St. Ste 124
Honolulu, HI 96813
Cell No. 271-1344
corinnegallardo@hotmail.com
www.corinnegallardo.com

April 15, 2010

Senator Carol Fukunaga, Chair Senator Rosalyn H. Baker, Vice Chair Members, Senate Committee On Economic Development And Technology

I am submitting this testimony in Strong Support for HCR 161 requesting Castle & Cooke Hawaii, Inc. to release land designated for the operational development of the Oahu Arts Center.

I am a local artist and have shown my work in various venues on Oahu mostly in the downtown area of Honolulu. As a long time resident of the west side of the island, I have learned that we are in need of a performing arts center in Central Oahu. This facility would provide children with the opportunity and a place to go to nurture and further enhance their creative aspiration. I have always believed that art is a form of self-expression and internal growth. This facility will also serve the adults and our seniors.

I urge your favorable consideration of HCR 161 and pass it out of committee.

Thank you,

Corinne Gallardo



100 Kahelu Avenue Mililani, Hawai'i 96789-3997 P.O. Box 898900 Mililani, Hawai'i 96789-8900 O'ahu: (808) 548-4811 • Fax (808) 548-2980 Lana'i: (808) 565-3000 • Fax (808) 565-3312

Harry A. Saunders President

Email Submittal: <u>EDTTestimony@Capitol.hawaii.gov</u> <u>senhanabusa@capitol.hawaii.gov</u>

Testimony by Harry Saunders President, Castle & Cooke Hawai'i April 15, 2010

Before the Senate Committee on Economic Development and Technology

April 16, 2010 1:30 p.m. Room 423

In Opposition of HCR 161 HD1

REQUESTING CASTLE & COOKE HAWAI'I, INC. TO WORK THE O'AHU ARTS CENTER AND THE COMMUNITY TO SECURE AN APPROPRIATE SIET FOR AN ARTS CENTER

Chair Fukunaga, Vice Chair Baker and Members of the Committee.

I am Harry Saunders, President of Castle & Cooke Hawaiʻi. **We oppose HCR 161 HD1**. We respectfully submit that it would be inappropriate and unnecessary for the Senate Committee and the Legislature to pass or consider a resolution on this matter. For your information, Castle & Cooke's conditional offer to donate land to Oʻahu Arts Center (OAC) expired over a year ago; it was a contractual matter between private parties.

O'ahu Arts Center has a noble purpose of establishing an arts center in Central O'ahu, and its Board and volunteers are well intentioned. For this reason, Castle & Cooke was an early supporter of OAC, and over the years, has been one of its primary supporters in cash and in-kind donations.

Castle & Cooke conditionally offered to donate land to OAC in Mililani Mauka for development of an arts center facility, if OAC could meet planning and development milestones which ensured that a facility was feasible and would actually be constructed and operated. Castle & Cooke completed its residential build-out of Mililani in 2008, and has an interest in ensuring that remaining vacant parcels are actually and timely developed in our master planned community for the benefit of residents.

OAC planned an \$86 million project, the first phase of which was an outdoor amphitheater. OAC was unable to meet crucial development milestones—including showing evidence of financial ability to construct and operate the facility—even after an 18-month extension. Unfortunately, OAC has not substantiated that grants and other funding have been secured and efforts to fundraise over the course of many years (including years when the Hawai'i economy was booming) did not result in a commitment of significant funds. As a result, the conditional offer to donate land expired. And we have moved on with marketing the site for other development opportunities.

Last year, OAC sought support for its project at the terminated Mililani Mauka site from the related Neighborhood Board and the City Council Planning Committee. Both declined to pass supportive resolutions. We are attaching related materials for your information.

We have been open to discuss and consider new developments or changes in plans that provide hope for a more feasible project. We understand that prospects for fundraising and financing the ambitious OAC project will be extremely difficult for the foreseeable future, and have suggested that a central location like the Central Oʻahu Regional Park might be an appropriate location for a long-term \$86 million OAC project. Castle & Cooke previously transferred this 270-acre park to the City for public recreational purposes and with grants and subsidies from sources like the State of Hawaiʻi, an ambitious arts project might some day become a reality in the distant future.

Castle & Cooke continues to support and arts and science educational programs in Central Oʻahu. If the OAC is realistic, credit worthy, ready and willing to acquire land for their ambitious facility, we are available to assist the OAC with finding an appropriate site for the OAC to acquire/purchase.

Under the circumstances, this resolution is inappropriate and unnecessary and we ask that this Committee hold the resolution. On behalf of Castle & Cooke, thank you for your consideration of our testimony. If you have questions, please feel free to contact us:

Harry Saunders, President Castle & Cooke Hawai'i <u>aktsukamoto@castlecooke.com</u> 548-4884

Richard Mirikitani, Senior Vice President and Counsel Castle & Cooke Hawaiʻi <u>rmirikitani@castlecooke.com</u> 548-4890 Bruce Barrett, Executive Vice President Castle & Cooke Hawaiʻi <u>barrett@castlecooke.com</u> 548-3746

Carleton Ching, Vice President – Community and Government Relations Castle & Cooke Hawaiʻi cching@castlecooke.com 548-3793

Attachment



100 Kahelu Avenue Mililani, Hawai'i 96789-3997 P.O. Box 898900 Mililani, Hawai'i 96789-8900 O'ahu: (808) 548-4811 • Fax (808) 548-2980 Lana'i: (808) 565-3000 • Fax (808) 565-3312

Harry St. Saundors
President

October 6, 2009

Via Facsimile:

768-3827

Email: http://www.honolulu.gov/council/emailplan.htm

The Honorable Ikaika Anderson, Chair, and Members of the Planning Committee Honolulu City Council City and County of Honolulu 530 South King Street Honolulu, Hawai'i 96813

Dear Chair Anderson and Committee Members:

Subject: Resolution 09-142 – Public Infrastructure Map (PIM) for the Central O'ahu Sustainable Communities Plan Area

On May 12, 2009, we received notification from the Department of Planning and Permitting (DPP) that Resolution 09-142 was introduced on April 3, 2009 proposing a PIM symbol on lands we own in Mililani. On May 19, 2009, we submitted comments to DPP (copy attached). As noted in our written comments to DPP:

If it is the Council's intent to acquire this land to construct county facilities, we are open for immediate negotiations with the City for the purchase of the site. We would oppose a PIM symbol if the City is not intending to purchase the property within a reasonable time frame, since this would interfere with our marketing and planning efforts for sale of development or the site.

We confirm that our conditional offer to the O'ahu Arts Center (OAC) relating to this land was terminated. Termination was the result of OAC's failure to show evidence of financial ability to construct and operate its project as required under this contract.

The Honorable Ikaika Anderson And Members of the Planning Committee October 6, 2009 Page Two

Thank you for this opportunity to provide testimony as landowner of the subject parcel. If I can be of further assistance or if clarification is needed, please contact me at 548-4884 or contact Richard Mirikitani, Senior Vice President and Counsel, at 548-4890 (email: rmirikitani@castlecooke.com) or Bruce Barrett, Executive Vice President, at 548-3746 (email: barrett@castlecooke.com).

Sincerely,

CASTLE & COOKE HOMES HAWAII, INC.

Harry A. Saunders

President

Attachment: Letter to David K. Tanoue, dated 05/19/09



100 Kahclu Avenue Mihlani, Hawai'i 96789-3997 P.O. Box 898900 Mihlani, Hawai'i 96789-8900 C'ahu: (808) 548-4811 • Fax (808) 548-2980 Lana'i: (808) 565-3000 • Fax (808) 565-3312

Harry A. Saunders President

May 19, 2009

Mr. David K. Tanoue, Director Department of Planning and Permitting City and County of Honolulu 650 South King Street Seventh Floor Honolulu, Hawai'i 96813

Dear Mr. Tanoue:

Subject: Public Infrastructure Map (PIM) Revision for Central Oahu (2009/PIM-2); Resolution 09-142

We received your May 12, 2009 notice informing us of Resolution 09-142 which proposes to revise the Central O'ahu Public Infrastructure Map ("CO PIM") by adding symbols for a government building and parking facility on property we own in Mililani Mauka, identified as TMK 9-5-002: por. 032. Your notice invites written comments on this CO PIM revision.

We understand that a PIM revision is for City planning and budgeting purposes, and does not impact a landowner's property rights including disposition of the property, except to the extent that a condemnation or other acquisition is funded and effected. We had no advance communication from the City regarding the need for or intent of the Resolution, and were not aware of the City's desire to designate this symbol on our property. However, from our perspective, it does imply that the City has an interest and a plan for funding and developing future City facilities on this property. If it is the City's intent to acquire this land in the near future for a government building and parking facility we are very open to immediately initiating discussions on the pricing and timing of such an acquisition, so as not to conflict with a potential sale to a third party. We would oppose a PIM revision if the City is not intending to fund the purchase of the property and to close the purchase within a reasonable time. Castle & Cooke is presently marketing this commercially zoned site and has interested prospective purchasers.

With respect to the O'ahu Arts Center ("OAC") we confirm that our prior conditional offer to donate three acres of these Mililani Mauka lands (portion of TMK 9-5-002: por. 032) to OAC was terminated by written notice to OAC, dated March 4, 2009, in accordance with the terms of our conditional offer letter. Termination was reaffirmed at a meeting with members of the OAC Board on May 19, 2009.

Mr. David K. Tanoue May 19, 2009 Page Two

Donation of the land was explicitly conditioned on the timely satisfaction of planning, financing and development milestones, and these were not met despite a prior 18 month extension. The OAC plan submitted to us (feasibility report by Leo Daly) proposed a facility that would exceed \$86 million (with a \$31 million first phase for an outdoor amphitheater and related improvements), no plans for construction funding and possible shortfalls in revenues for operation and maintenance costs. For perspective on the scale of this ambitious project, the \$86 million estimate for the OAC project approximates the cost of a new DOE Middle School. Furthermore, an outdoor amphitheater hosting theatrical and musical concerts/events in the middle of the Mililani Mauka residential community with its high rain fall, potential weekend traffic and noise may not be the use and facility expected by the surrounding residential community for the completion of our master planned community.

Since OAC's inception in 2002, Castle & Cooke has been a primary supporter of OAC's purpose of establishing an education and performing arts facility in Central O'ahu. Over the course of many years, Castle & Cooke has made various cash donations and in-kind contributions to OAC, and has incurred various carrying costs for holding the property aside, including real property taxes. While we remain supportive of OAC's public intent and appreciative of the efforts of its board members and volunteers, it appears unrealistic that such an ambitious plan can obtain significant donations, grants or financing to be developed and operated in the foreseeable future. The downturn in the world, national and state economies has severely challenged government and all businesses, and non-profit organizations especially are experiencing unprecedented financial hardships. Even though well intended, obtaining grants, donations, or commitments for good causes are limited, difficult or near impossible in this austere economic environment. Conventional financing is also limited for this type of facility; any loan underwriting would require a detailed analysis to ensure potential revenue generation can satisfy debt service and operational and maintenance costs.

Mililani Mauka's residential development was completed in 2008. As we complete our build out of the Mililani Mauka community, we must undertake exit strategies and make alternate plans for the completion of the remaining commercial areas for the benefit of the surrounding community. It would not be prudent as a developer or fair to the surrounding master planned community to set aside and leave vacant indefinitely a large portion of this commercial area within the completed community, with the possibility that someday in the distant future an education and performing arts facility may be developed.

We have encouraged OAC to consider alternative arrangements for the siting of its ambitious plan and related improvements which allow for long-term planning and fundraising, possibly in conjunction with other compatible non-profit organizations and uses. As an example, if the City desires to participate in the development of an education and performing arts center in Central O'ahu, it may consider as more appropriate and feasible the possible use of unutilized

Mr. David K. Tanoue May 19, 2009 Page Three

portions of the 270 acre Central O'ahu Regional Park which was previously transferred by Castle & Cooke to the City for public recreational purposes. The central location, large acreage and non-proximity to residences may be more appropriate for a Central O'ahu multi-purpose facility which includes OAC. A long-term timetable for fundraising and construction may be more consistent with future opportunities for funding when the economy picks up. If requested, Castle & Cooke would be willing to waive any deed restrictions which impacted use or development for such a public facility at the Central O'ahu Regional Park.

Thank you for this opportunity to provide comments on the proposed CO PIM revision. We are available to provide further clarifications and answer questions as to Castle & Cooke's comments or position on this.

Sincerely

CASTLE & COOKE HOMES HAWAII, INC.

Harry Saunders President

cc: Edmund Aczon, O'ahu Arts Center