

STATE OF HAWAII  
HAWAII COMMUNITY DEVELOPMENT AUTHORITY  
KAKAAKO  
Honolulu, Hawaii, 96813

September 2, 2020

Chairperson and Members  
Hawaii Community Development Authority  
State of Hawaii  
Honolulu, Hawaii

HCDA Board Members:

**SUBJECT:** Shall the Authority Authorize the Amendment of Lease No. 17-05 with 630 Cooke Street Partnership LP for the Nohona Hale Affordable Housing Project to Remove Parcel 8, Identified as Oahu Tax Map Key No. (1) 2-1-051-014 (por.), from the Premises?

**SUMMARY:**

The Hawaii Community Development Authority (HCDA) intends to transfer the sidewalk fronting Nohona Hale to the City and County of Honolulu (City). The sidewalk is currently leased to 630 Cooke Street Partnership LP as part of the Nohona Hale ground lease. Therefore, a lease amendment must be executed to excise the sidewalk from the Nohona Hale lease prior to transferring the land to the City.

**AUTHORITIES:**

The Board must approve all amendments to existing leases.

**BACKGROUND:**

On June 12, 2018, HCDA executed a lease with 630 Cooke Street Partnership LP to lease land located at 630 Cooke Street in Kakaako for the development of Nohona Hale (Lease No. 17-05). Nohona Hale is a 16-story affordable housing project with 111 micro-unit residential rental units.

The leased premises includes "Parcel 8," which is a 750 square foot portion of sidewalk fronting the Nohona Hale development and identified by Oahu Tax Map Key No. (1) 2-1-051-014 (por.). This portion of land is currently used as a public sidewalk but is owned by HCDA.

As the HCDA has no personnel or resources dedicated to maintaining roadways and sidewalks such as Parcel 8, the HCDA intends to dedicate this and other road remnants to the City and County of Honolulu (City) for their continued upkeep. On May 2, 2018, the Authority authorized the land transfer of various HCDA park parcels and remnant roads to the City. The action item and staff report from the May 2, 2018 meeting is attached hereto as Exhibit A. Parcel 8 was included in the list of parcels approved for transfer to the City.

**ANALYSIS:**

To facilitate the continued maintenance of the Cooke Street sidewalk fronting Nohona Hale, 630 Cooke Street Partnership LP agrees to remove Parcel 8 from Lease No. 17-05. A proposed draft of the first amendment to Lease No. 17-05 is attached hereto as Exhibit B. All other provisions of Lease No 17-05 would remain in effect.

630 Cooke Street Partnership LP has discussed the land transfer with the City and says the City has indicated it will accept dedication of Parcel 8.

**RECOMMENDATION:**

HCDA staff recommends that the Board:

Authorize the Amendment of Lease No. 17-05 with 630 Cooke Street Partnership LP for the Nohona Hale Affordable Housing Project to Remove Parcel 8, Identified as Oahu Tax Map Key No. (1) 2-1-051-014 (por.), from the Premises.

Respectfully submitted,



---

Lindsey Doi  
Asset Manager

**APPROVED FOR SUBMITTAL:**



---

Garett Kamemoto, Interim Executive Director

**Attachments**

Exhibit A – May 2, 2019 City Land Transfer Staff Report

Exhibit B – DRAFT First Amendment to Lease No. 17-05

STATE OF HAWAII  
HAWAII COMMUNITY DEVELOPMENT AUTHORITY  
**KAKAAKO**  
Honolulu, Hawaii 96813

**May 2, 2018**

Chairperson and Members  
Hawaii Community Development Authority  
State of Hawaii  
Honolulu, Hawaii

HCDA Board Members:

**SUBJECT:** Shall the Authority Authorize the Land Transfer of Various HCDA Park Parcels, Remnant Roads, and the Children's Discovery Center in the Kakaako Community Development District to the City and County of Honolulu?

**SUMMARY:**

The HCDA is interested in transferring its park assets and road remnants throughout Kakaako to the City and County of Honolulu. This would not only drastically reduce HCDA expenditures, but would also cause the parks and subject roads to be more efficiently managed and maintained by the City's existing departments. The City is agreeable to the transfer, provided the HCDA continues to fund all park maintenance services until the end of fiscal year 2019 and assists in the transition.

---

**BACKGROUND:**

The HCDA developed Kewalo Basin Park, Kakaako Waterfront Park, and Gateway Park in 1990, 1992, and 1998; respectively. These 41 acres of park lands were intended to be transferred and dedicated to the City and County of Honolulu shortly after their development, as the HCDA was not created with a park management function. However, the transfer never occurred, and the HCDA has managed the parks through a series of contracts for the past two decades.

Initially, the HCDA contracted with the state Department of Land and Natural Resources to manage the Kakaako Makai Parks; however, the reduction in force eliminated those agreements in 2009. Since then, the HCDA has managed the maintenance of its parks through half a dozen contracts worth approximately \$640,000 annually. When factoring in utility payments for electricity and water/sewer, the total cost to operate and maintain HCDA's parks in Kakaako totals over \$1 million each year.

Some of these costs are offset by several revenue-generating parcels currently zoned for park use located in Kakaako Makai. These parcels include the following:

1. Ohe St. Parking Lot
2. Look Lab Lot
3. Wastewater Lot

Together, these parcels generate roughly \$17,000 monthly for the HCDA's asset management functions. However, this is still insufficient to sustain the expenditure of roughly \$83,000 monthly to maintain and manage the Kakaako Makai parks through HCDA's contracted vendors.

The Kakaako Makai parcels contemplated for transfer to the City are identified in Exhibits A and B. These parcels include all of HCDA's Kakaako Makai Parks, certain revenue generating parcels listed above, and the Children's Discovery Center.

In addition, the HCDA also intends to transfer 53 remnant road parcels throughout the Kakaako Community Development District. These remnants were acquired as the result of Community Improvement District Projects implemented by the HCDA over the past 20+ years. Three of the roads are located in Kakaako Makai (Ohe, Olomehani, and Ahui Streets). All others are located in Kakaako Mauka and include remnants as small as 23 square feet in size up to entire streets. These remnant parcels involve right-of-ways, shoulder areas, and remnant lands along property boundaries.

As the HCDA has never staffed a road or sidewalk maintenance department, the City and County of Honolulu has managed and maintained these remnant roads and parcels under their existing departments. A transfer of these remnants to the City will not have a noticeable impact on the general public, as the City would continue to maintain the remnant parcels. A summary and map of the remnant parcels are attached hereto as Exhibits C and D.

The HCDA and City previously executed an ROE for the maintenance of Ohe Street, Olomehani Street, and Ahui Street. The City continues to maintain these roads and sidewalks and enforce all City ordinances on these properties under the ROE.

---

Since the HCDA was also never created or intended to manage and maintain parks, the HCDA does not have a parks maintenance department, adequate staff, or resources to fulfill such a role. In contrast, the City has multiple departments with hundreds of employees possessing a wealth of skills to manage public resources.

The City and County of Honolulu's Department of Parks and Recreation oversees the management, maintenance, and operation of about 300 public parks across Oahu with a staff of 750 employees.

The City and County of Honolulu's Department of Enterprise Services is responsible for the rental of all city facilities and equipment, including the Blaisdell Center and Waikiki Shell. It also oversees the management of the Honolulu Zoo and municipal golf courses.

The City and County of Honolulu's Department of Facilities Maintenance maintains all city roads, streetlights, bridges, streams, city buildings and office facilities, city vehicles and heavy equipment, mechanical/ electrical/ electronic equipment for parks, and facilities for parks. This department also provides property management services and security for other City properties.

These three City departments easily possess the requisite knowledge and experience to maintain and operate HCDA's parks and roadways in Kakaako Makai. Given their resources

and expertise, these City departments would also likely be able to lower costs and maintain and manage HCDA's parks and roads more efficiently.

In March 2018, the HCDA and the City discussed entering into a short-term Right of Entry agreement for the unencumbered park parcels. This ROE would give the City jurisdiction over the subject park parcels to allow City laws and rules to be enforced by the Honolulu Police Department. This ROE was executed between HCDA and the City in late April 2018.

On April 4, 2018, the HCDA board agreed to continue funding the maintenance and service contracts for the HCDA parks in Kakaako Makai until June 30, 2019 in the event the City assumes the management of these parks. This will allow adequate time for the City to seek funding and positions to maintain the parks starting in fiscal year 2020. The City has committed to ensuring the park properties are maintained as public park lands, as all lands would still be subject to HCDA's zoning regulations as part of the Kakaako Community Development District. No development would be allowed without the proper approvals, permits, and public hearings that the HCDA requires.

#### **ANALYSIS:**

The HCDA will continue collecting lease rent on the three revenue generating properties until June 30, 2019 to further offset the maintenance cost for the park properties. Upon the start of fiscal year 2020, all leases for revenue generating parcels will be transferred to the City, and the City will assume all maintenance contracts and management expenditures for the subject parcels.

The Governor and Mayor were instrumental in bringing all sides together to discuss the transfer of HCDA's Kakaako Makai park lands and road remnants. This transfer would relieve the HCDA of the fiscal burden of operating and maintaining the parks, and it would also benefit the people of Oahu, as the parks and roads would be more appropriately managed under the City and County of Honolulu.

The Ala Moana – Kakaako Neighborhood Board No. 11 met on April 24, 2018, and heard a presentation from HCDA on the proposed land transfer. A few members of the community expressed concerns with what the city was doing at Ala Moana Regional Park. Neighborhood Board members did not express concerns with the proposed land transfer.

The City has previously told the HCDA that the Department of Parks and Recreation will seek public input before making any material changes. The City has also committed to working with area stakeholders and community groups to ease the transition.

The actual land transfer is expected to take place in multiple stages. The first would involve the transfer of all parks in Kakaako Makai, Look Lab, Wastewater Lot, Ohe St. Parking Lot, plus Ohe, Olomehani, and Ahui Streets. A second transfer would involve the parcels in Kakaako Mauka, including Mother Waldron Park and all remaining remnant roads as noted in Exhibit E.

These remnant roads represent liabilities for the HCDA, as unlike the City, the HCDA does not have the staff or resources to properly maintain them. Transferring ownership of these road

remnants would not result in any noticeable change for the public, other than better maintenance of roads and sidewalks.

The HCDA Board has already approved a resolution to transfer these parcels to the city during the last two legislative sessions.

Honolulu City Council Resolution 18-91 was introduced by Councilmembers Carol Fukunaga and Ann Kobayashi on April 24, 2018, urging the City Administration to “include, as part of its negotiations and discussions with the Hawaii Community Development Authority ... the transfer of the parcel on which the Children’s Discovery Center is located.”

The resolution notes “the Council believes that the transfer of the CDC parcel (and its corresponding lease) to the City in conjunction with the Kakaako Makai Park lands, would enhance the City’s ability to revitalize the Kakaako Makai area, and to facilitate an environment in which public resources and the fostering of educational activities for keiki and their families, and their extended families, would be more closely aligned.”

While there is no current agreement on the CDC parcel, HCDA staff believes it is prudent to authorize the transfer should an agreement be reached in the future.

In summary, is in the public’s best interest to facilitate the transfer of these parcels as quickly as possible.

## **RECOMMENDATION**

HCDA staff recommends that the Board:

---

Authorize the Land Transfer of Various HCDA Park Parcels, Remnant Roads, and the Children’s Discovery Center in the Kakaako Community Development District to the City and County of Honolulu.

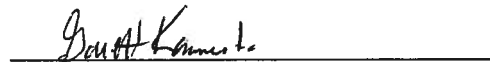
---

Respectfully submitted,



Lindsey Doi  
Asset Manager

APPROVED FOR SUBMITTAL:



Garrett Kamemoto, Interim Executive Director  
Hawaii Community Development Authority

Attachments

**Exhibit A – Kakaako Makai Parcel Transfer Summary**

**Exhibit B – Kakaako Makai Parcel Transfer Map**

**Exhibit C – HCDA Remnant Roads Summary**

**Exhibit D - HCDA Remnant Roads Map**

**Exhibit E – Kakaako Mauka Parcel Transfer Summary**

**Exhibit F – City Council Resolution 18-91**

## **HCDA Kakaako Makai Land Transfer Parcels**

### **1. Kakaako Waterfront Park**

#### **a. Park and Parking Lot**

- i. TMK 1-2-1-060-008 and 1-2-1-060-029 (por.)
- ii. Address: 102 Ohe St.
- iii. Size: Approximately 25 acres
- iv. Encumbrance: None, public park and park parking

#### **b. Maintenance Shed**

- i. TMK: 1-2-1-060-008 (por.)
- ii. Address: 709 Kelikoi St., 100 Cooke St.
- iii. Size: 10,000 square feet
- iv. Encumbrance: Lease to DHS for Family Assessment Center until September 15, 2018 (18-month extension requested)

#### **c. Ohe St. Parking Lot**

- i. TMK: TMK: 1-2-1-060-030 (por.)
- ii. Address: 135 Ohe St.
- iii. Size: Approximately 12,000 square feet
- iv. Encumbrance: Short term ROE to JABSOM for parking until Aug. 31, 2018 (60-day termination clause)

#### **d. Look Lab Lot**

- i. TMK: 1-2-1-060-029 (por.)
- ii. Address: 98 Koula St., 40 Ahui St.
- iii. Size: Approximately 2 acres
- iv. Encumbrances: ROE with Reuse Hawaii for Look Lab Warehouse until April 12, 2018 (30-day termination clause)

#### **e. Wastewater Lot**

- i. TMK: 1-2-1-060-029 (por.)
- ii. Address: 98 Koula St.
- iii. Size: Approximately 2.2 acres
- iv. Encumbrances: ROE with Pasha Hawaii until Feb. 28, 2018 (with 60-day termination clause)

#### **f. Koula Stub**

- i. TMK: 1-2-1-060-029 (por.)
- ii. Address: 98 Koula St.
- iii. Size: Approximately 13,000 square feet
- iv. Encumbrances: None, private closed driveway

#### **g. Point Panic Parking Lot**

- i. TMK: 1-2-1-060-029 (por.)
- ii. Address: 40 Ahui St.
- iii. Size: Approximately 15,000 square feet
- iv. Encumbrances: None, public park parking



**h. Olomehani St. Parking Lot (Near Children's Discovery Center)**

- i. TMK: 1-2-1-060-25
- ii. Size: Approximately 21,500 square feet
- iii. Encumbrances, None, public park parking

**2. Kakaako Gateway Parks**

**a. Gateway Mauka Park**

- i. TMK: 1-2-1-059-026, 1-2-1-059-025, 1-2-1-059-024, 1-2-1-059-023
- ii. Approximately 2.1 acres
- iii. 747 Ala Moana Blvd., 240 Ohe St., 235 Cooke St., 742 Ilalo St.
- iv. Encumbrances: None, public park

**b. Gateway Makai Park and Kelikoi Parking Lot**

- i. TMK 1-2-1-060-007 (por.)
- ii. Address: 741 Ilalo St.
- iii. Approximately 3.3 acres
- iv. Encumbrances: None, public park

**3. Kewalo Basin Park**

**a. Park and Parking Lot**

- i. TMK: 1-2-1-058-137
- ii. Address: None, Kewalo Basin Harbor
- iii. Size: Approximately 4.3 acres
- iv. Encumbrances: None, public park and park parking

**b. Net Shed**

- i. TMK: 1-2-1-058-136
- ii. Address: None, Kewalo Basin Harbor
- iii. Size: Approximately 19,500 square feet
- iv. Encumbrances: Leased to Kupu until September 9, 2032 with two additional 10-year options to extend

**4. Kakaako Makai Roads**

**a. Ohe Street**

- i. Between Ilalo St. and Olomehani St.
- ii. Approximately 19,000 square feet

**b. Olomehani Street**

- i. Between Waterfront Park parking lot entrance and Ahui St.
- ii. Approximately 12,000 square feet

**c. Ahui Street**

- i. Between Ilalo St. and Point Panic
- ii. Approximately 30,000 square feet

**d. Ilalo Street medians (City already owns, but HCDA maintains)**

- i. Between Ala Moana Blvd. and Forrest Ave.

**5. Children's Discovery Center Parcel**

- TMK: 1-2-1-060-017
  - Address: 111 Ohe St.
  - Size: Approximately 1.2 acres
  - Encumbrances: Leased to Children's Discovery Center until June 1, 2036 with one additional 10-year option to extend
- 
-

Table I-1

## SUBJECT PARCEL SUMMARY

Subject Parcel ID [1]	Tax Map Key (Division 1)	Description	Type [2]	Area (Sq. Ft.)
1	2-1-29: 06	Portion of South & Pohukaina Streets	2	6,806
2	2-1-29: 07	Portion of South Street	2	1,595
3	2-1-30: 46	Portions of South & Halekauwila St.	2	640
4	2-1-30: 47	Portion of Pohukaina Street	2	4,380
5	2-1-30: 48	Portion of South Street	2	758
6	2-1-30: 49	Portions of South & Pohukaina Streets	2	4,586
7	2-1-31: 37	Portion of Halekauwila Street	2	23
8	2-1-31: 38	Portion of South Street	2	5,095
9	2-1-32: 25	Portions of Queen and South Streets	2	9,761
10	2-1-47: 09	Portion of South Street	2	1,450
11	2-1-48: 20	Portions of Cooke & Kawaiahao St.	1	27,598
12	2-1-48: 21	Portion of South Street	2	5,049
13	2-1-49: 51	Corner of Cooke & Kawaiahao Streets	2	86
14	2-1-49: 81	Portion of Queen Street	2	286
15	2-1-49: 83	Corner of Cooke St. & Kapiolani Blvd.	2	155
16	2-1-50: 66	Corner of Cooke & Ilaniwai Streets	2	86
17	2-1-50: 67 (Portion)	Portion of Halekauwila Street	1	18,614
18	2-1-50: 69	Portion of Cooke Street	2	235
19	2-1-50: Portion of Cooke & Queen Streets	Corner of Cooke & Queen Street	2	86
20	2-1-51: 03 (Portion)	Portion of Cooke & Pohukaina Streets	1	11,646
21	2-1-51: 14 (Portion)	Portion of Cooke Street	2	750
22	2-1-51: 19 (Portion)	Portions of Halekauwila & Cooke St.	1	7,207
23	2-1-51: 34	Portion of Coral Street	2	82
24	2-1-51: 36	Portion of Cooke Street	2	836
25	2-1-51: 37	Portion of Cooke Street	2	1,628
26	2-1-51: 40	Portion of Pohukaina Street	2	7,000
27	2-1-51: Portion of Lana Lane	Portion of Pohukaina Street	2	160
28	2-1-51: Por. of Lana Lane & Halekauwila St.	Portions of Halekauwila St. & Lana Ln.	2	400
29	2-1-52: 22 (Portion)	Portion of Halekauwila Street	1	37,261

**Table I-1****SUBJECT PARCEL SUMMARY**

<b>Subject Parcel ID [1]</b>	<b>Tax Map Key (Division 1)</b>	<b>Description</b>	<b>Type [2]</b>	<b>Area (Sq. Ft.)</b>
30	2-1-52: 55	Portion of Cooke Street	2	1,520
31	2-1-53: 31	Portion of Cooke Street	2	4,892
32	2-1-54: 34	Portion of South & Auahi Streets	2	86
33	2-1-54: 35	Portion of South & Pohukaina Streets	2	86
34	2-1-54: 36	Portion of Cooke Street	2	707
35	2-1-55: 39	Portion of South & Auahi Streets	2	86
36	2-1-55: 40	Portion of Cooke Street	2	512
37	2-1-56: 12	Portion of Cooke Street	2	3,189
38	2-1-58: Portion of Ahui Street	Portion of Ahui Street	1	18,818
39	2-1-60: 4 (Por.), 6 (Por.), and Por. of Ahui St.	Portions of Ohe, Olomehani, & Ahui St.	1	141,483
40	2-3-03: 103	Portion of Kamakee Street	2	11,649
41	2-3-03: 87	Portion of Queen Street [3]	1	26,826
42	2-3-04: 29 (Portion)	Portion of Kamakee & Queen Streets	2	3,431
43	2-3-04: 74	Portion of Kamakee Street	2	8,075
44	2-3-04: 80 (Portion)	Portion of Waimanu Street	2	20,686
45	2-3-04: 80 (Portion), 2-3-06: 14 (Portion)	Portion of Queen Street	1	44,385
46	2-3-04: Portion of Kamakee Street	Portion of Kamakee Street	2	910
47	2-3-04: Portion of Kamakee Street	Portion of Kamakee Street	2	892
48	2-3-04: Portion of Kamakee Street	Portion of Kamakee Street	2	1,784
49	2-3-04: Portion of Kawaiahao Street	Portion of Kawaiahao Street	2	710
50	2-3-06: 16	Portion of Waimanu Street	2	9,507
51	2-3-06: 14 (Portion)	Portion of Waimanu Street	2	3,160
52	2-3-06: 15 (Portion)	Portion of Waimanu Street	2	9,194
53	2-3-07: Por. of Waimanu & Pensacola St.	Corner of Waimanu & Pensacola St.	2	86

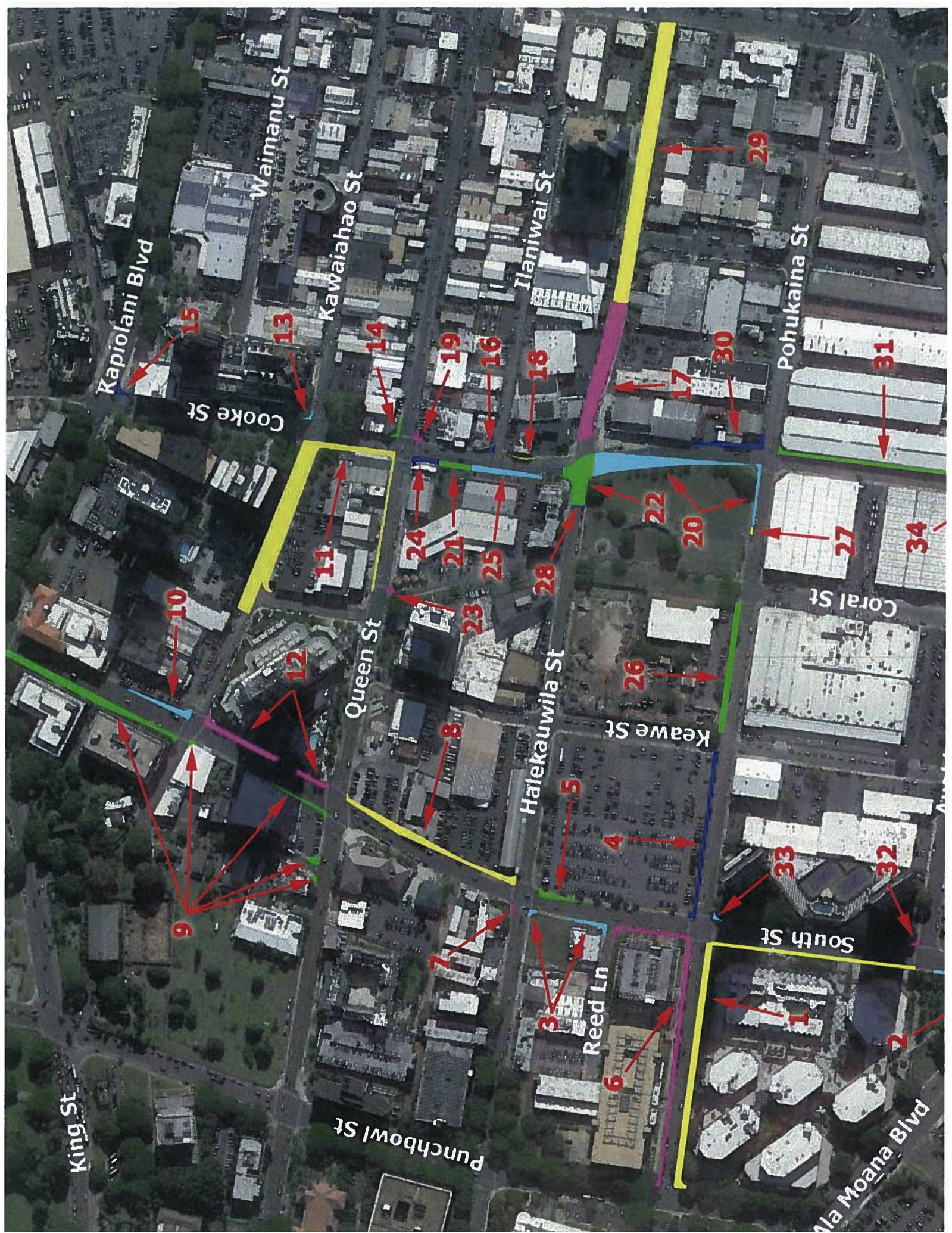
[1] For appraisal purposes.

[2] Type 1 = roadways with street parking, Type 2 = roadways with no parking and remnant lands.

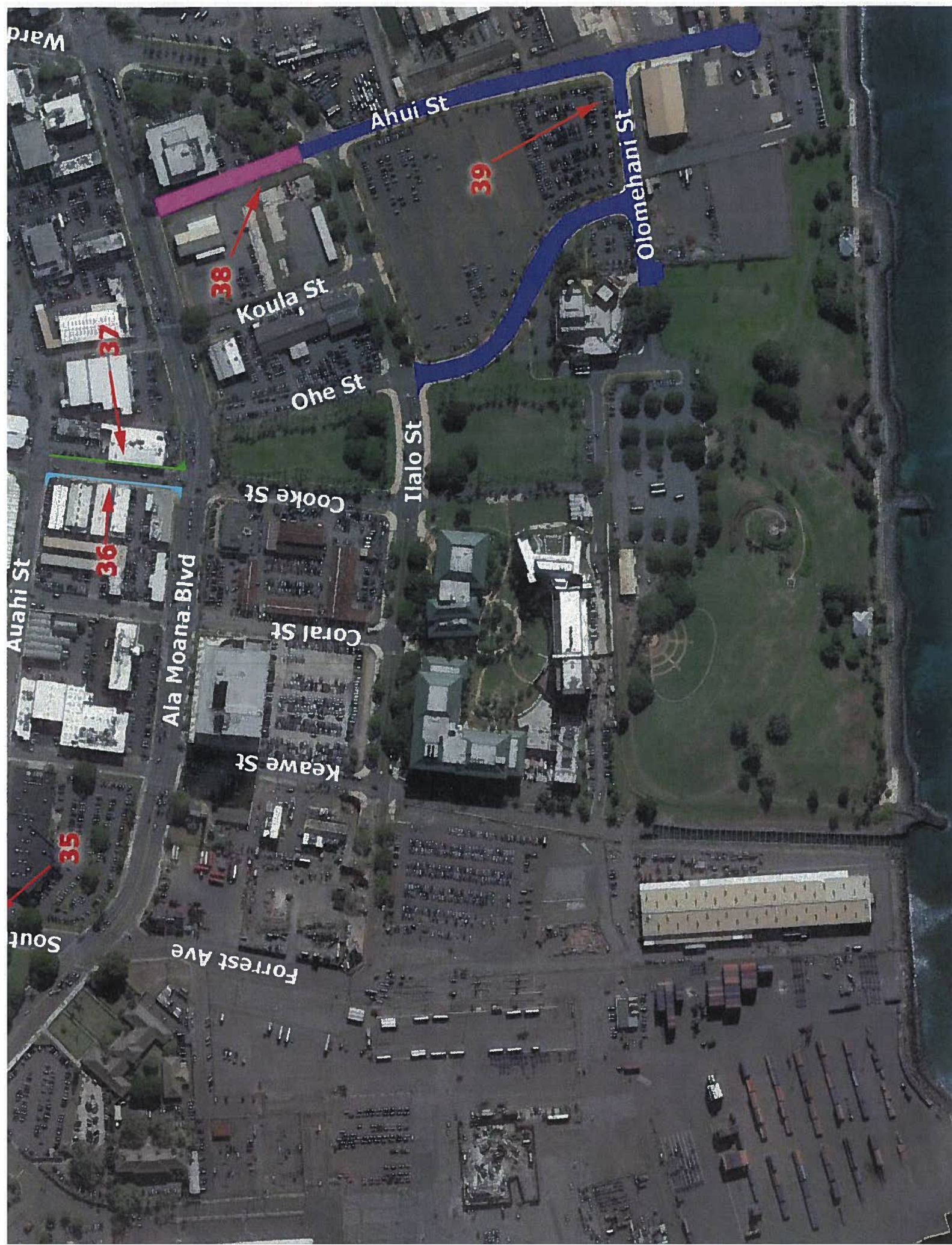
[3] Site area is an approximation.

**Source: Tax map keys, description, Kakaako Improvement IDs, and lot areas based on Attachment A within the HCDA's Request for Quotes.**









Ward

Ahui St

Olomehani St

39

Koula St

38

Ohe St

Tialo St

Cooke St

Auahi St

36

Ala Moana Blvd

Coral St

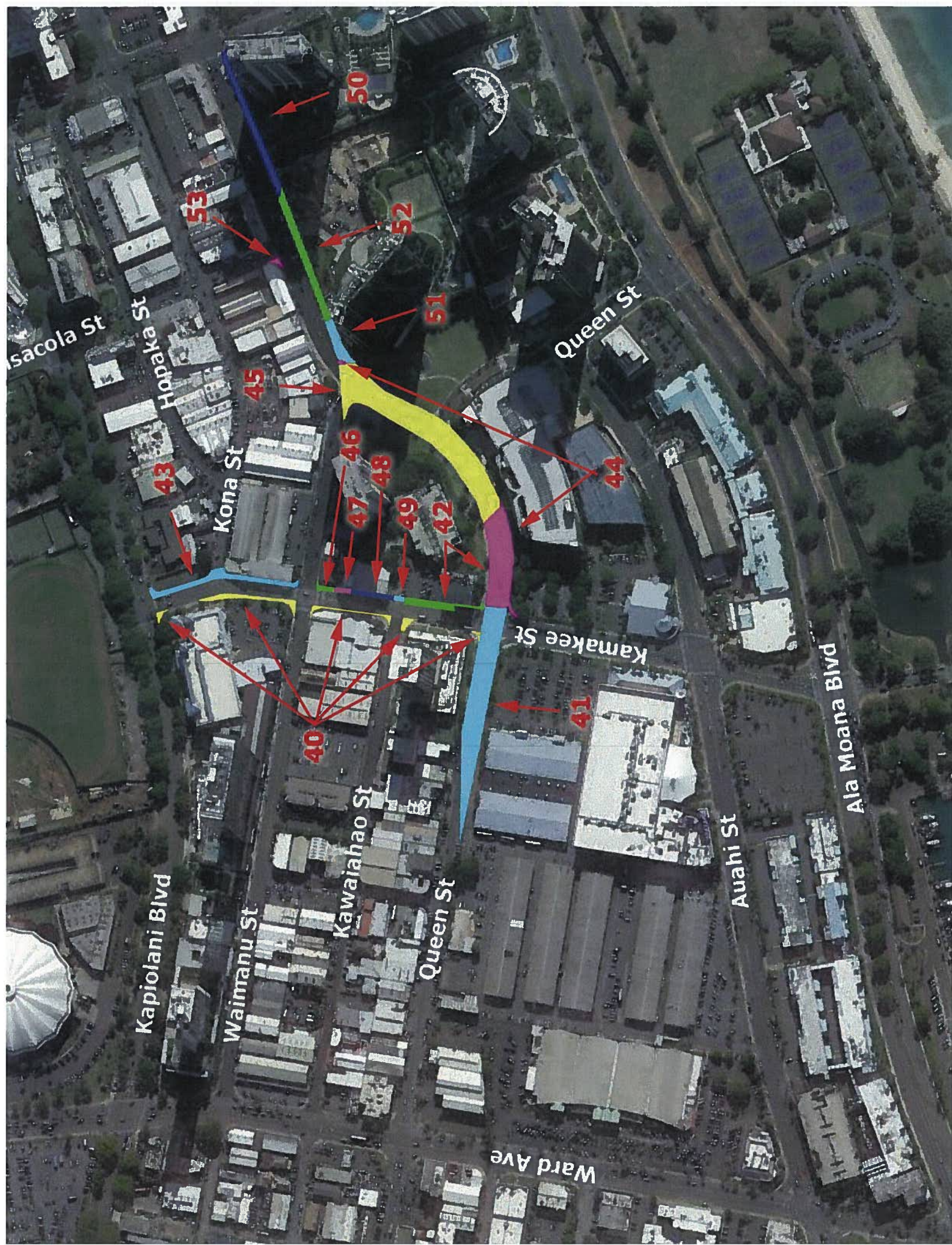
Keawe St

South

35

Forrest Ave





Isacola St

Kapiolani Blvd

Waimanu St

Kawaiahao St

Queen St

Ward Ave

Queen St

Kamaakee St

Auahi St

Ala Moana Blvd

43

45

40

46

47

48

49

42

50

52

51

53

44

41



## **Kakaako Mauka Land Transfer Parcels**

### **1. Mother Waldron Park**

#### **a. Portion of Park (includes Lana Lane)**

- i. TMK:1-2-1-051-003
- ii. Address: 510 Cooke St.
- iii. Size: 1.5125 acres
- iv. Encumbrances: None, public park maintained by City

#### **b. Cooke Street extension remnant**

- i. TMK: 1-2-1-051-019
- ii. Address: 594 Cooke St.
- iii. Size: 8059 square feet
- iv. Encumbrances: None, public right of way maintained by City

### **2. Road Remnants (see attached map)**

The 53 subject parcels involve right-of-ways or portions of right-of-ways and include roadways, road shoulder area (some of which can support street parking), and remnant lands along property boundaries. The subject parcels range in size from 23 square feet to 141,483 square feet and vary in shape. The subject parcels are improved with traditional right-of-way improvements including but not limited to: asphalt paving, concrete sidewalks and curbs, overhead street lights, traffic lights, parking meters, street signs, and underground utilities.





## RESOLUTION

URGING THE CITY ADMINISTRATION TO INCLUDE, AS PART OF ITS NEGOTIATIONS AND DISCUSSIONS WITH THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY REGARDING THE TRANSFER OF THE AUTHORITY'S PARK LANDS IN KAKAAKO MAKAI TO THE CITY, THE TRANSFER OF THE PARCEL ON WHICH THE HAWAII CHILDREN'S DISCOVERY CENTER IS LOCATED (IDENTIFIED AS TAX MAP KEY NO. 2-1-060: 017), AND THE CENTER'S CORRESPONDING LEASE.

WHEREAS, the Hawaii Community Development Authority ("HCDA") developed Kewalo Basin Park, Kakaako Waterfront Park, and the Gateway (Makai and Mauka) Parks (collectively as "Kakaako Makai Park lands") in 1990, 1992, and 1998, respectively; and

WHEREAS, the Kakaako Makai Park lands (approximately 41 acres) were intended to be transferred and dedicated to the City and County of Honolulu ("City") shortly after their development; and

WHEREAS, however, the transfer of the Kakaako Makai Park lands never occurred, and the HCDA has since managed the parks through a series of costly contracts; and

WHEREAS, in recent years, Oahu's growing homeless population has adversely affected the public's ability to enjoy the Kakaako Makai Park lands and has continued to burden the HCDA with costly repairs of the facilities and infrastructure therein; and

WHEREAS, the HCDA, however, was not intended to manage the Kakaako Makai Park lands for long-term public recreational, educational, and open space uses; and

WHEREAS, the City Administration, on the other hand, possesses the requisite knowledge and experience to maintain and manage the Kakaako Makai Park lands; and

WHEREAS, currently, the City Administration is in discussions/negotiations with the HCDA to transfer the Kakaako Makai Park lands to the City beginning in July of 2019; and

WHEREAS, the HCDA also leases a parcel (identified as Tax Map Key No. 2-1-060: 017) that it owns, abutting Kakaako Waterfront Park and Gateway Makai Park, to the Hawaii Children's Discovery Center ("CDC"); and

WHEREAS, the CDC provides a world-class, interactive, participatory learning environment that has been described in the organization's website as follows:



## **RESOLUTION**

---

1. Designed to inspire the young and "young-at-heart" to new heights of learning and discovery; and
2. Encourages children to use their senses of touch, sight, hearing, and smell to gain a better understanding of the world around them; and

WHEREAS, since its establishment at this site in 1998, the CDC has pursued a mission of creating an inspiring environment with educational activities for Hawaii's families through numerous high-tech, interactive exhibits designed to help children develop a positive outlook and promote understanding of others in a multicultural society; and

WHEREAS, the CDC has served as a model for children's museums in other American communities and inspired Chinese philanthropist Niu Gensheng to create the Laoni Children's Discovery Museum in China to advance the informal learning model approach in Hawaii's Discovery Center into a network of children's museums being developed in China; and

WHEREAS, the Council believes that the transfer of the CDC parcel (and its corresponding lease) to the City, in conjunction with the Kakaako Makai Park lands, would enhance the City's ability to revitalize the Kakaako Makai area, and to facilitate an environment in which public resources and the fostering of educational activities for keiki and their families, and their extended families, would be more closely aligned; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the City Administration is urged to include, as part of its negotiations and discussions with the Hawaii Community Development Authority regarding the transfer of the Authority's park lands in Kakaako Makai to the City, the transfer of the parcel on which the Hawaii Children's Discovery Center is located (identified as Tax Map Key No. 2-1-060: 017), and the Center's corresponding lease; and



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 18-91

---

**RESOLUTION**

---

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, Managing Director, Director of Parks and Recreation, Director of Facility Maintenance, and Director of Enterprise Services.

INTRODUCED BY:

*Carol F. Johnson*  
*Carol N. Katsiyasho*

DATE OF INTRODUCTION:

**APR 24 2018**

Honolulu, Hawaii

Councilmembers

LAND COURT SYSTEM	REGULAR SYSTEM
AFTER RECORDATION, RETURN BY MAIL [x] PICK UP [x]	

Hawaii Housing Finance and Development Corporation  
677 Queen Street, Suite 300  
Honolulu, Hawaii 96813

Total No. of Pages: \_\_\_\_\_

Tax Map Key No. (1) 2-1-051: 014 (por.)

### FIRST AMENDMENT OF LEASE AND SHORT FORM LEASE

THIS FIRST AMENDMENT OF LEASE AND SHORT FORM LEASE (this "**Amendment**") is made as of \_\_\_\_\_, by and between the HAWAII COMMUNITY DEVELOPMENT AUTHORITY ("**Lessor**"), a body corporate and a public instrumentality of the State of Hawaii, the address of which is 547 Queen Street, Honolulu, Hawaii 96813, and 630 COOKE STREET PARTNERSHIP LP, a Hawaii limited partnership ("**Lessee**"), the address of which is c/o Bronx Pro Group, LLC, 1605 Dr. Martin Luther King Boulevard, Bronx, New York 10453.

#### WITNESSETH:

**A.** Lessor and Lessee entered into that certain unrecorded HCDA General Lease No. 17-05 dated June 12, 2018 (the "**Lease**") demising that certain real property located at 630 Cooke Street, Kakaako Mauka, Honolulu, City and County of Honolulu, State of Hawaii, identified by Tax Map Key No. (1) 2-1-051: 014 (the "**Property**"), as more particularly described in Exhibit "A-1" to the Lease and in Exhibit "A" to that certain Short Form Lease dated June 12, 2018, recorded in the Bureau of Conveyances of the State of Hawaii (the "**Bureau**") as Document No. A-67380428 (the "**Short Form Lease**").

**B.** Lessor intends to dedicate that certain parcel described as Parcel 8 in Exhibit "A-1" to the Lease and in Exhibit "A" to the Short Form Lease ("**Parcel 8**"), to the City and County of Honolulu (the "**City**") for use as a public sidewalk.

**C.** Lessor and Lessee have agreed to amend the Lease and the Short Form Lease to redefine the Premises, effective as of the date that the deed conveying title to Parcel 8 to the City is recorded in the Bureau (the "**Dedication Date**").

**D.** Lessor and Lessee have, concurrently herewith, executed that certain Partial Cancellation

of Lease; Partial Release of Development Agreement, to partially cancel, among other agreements, the Lease and Short Form Lease as to Parcel 8, effective as of the Dedication Date.

**NOW THEREFORE**, Lessor and Lessee hereby agree, effective as of the Dedication Date, as follows:

1. Amendment of Lease.

- a. The fourth paragraph of the Recitals is deleted in its entirety and replaced with the following:

“WHEREAS, LESSEE desires to lease the Premises to develop and operate Nohona Hale, a 16-story, affordable housing project with 111 micro-residential rental units, approximately 300 square feet each, approximately 7,500 square feet of community facility space to benefit the future residences of the Project, approximately 1,200 square feet of commercial space, and 3 parking stalls (the "Project") located at 630 Cooke Street, Kakaako, Oahu, Hawaii, being a portion of Tax Map Key No. (1) 2-1-051:014, with a lot area of approximately 9,659 square feet (hereinafter "**Project**");”

- b. Section 1.1 is deleted in its entirety and replaced with the following:

“1.1 Lease. LESSOR, for and in consideration of the rent to be paid and of the terms, covenants and conditions herein contained, all on the part of LESSEE to be kept, observed and performed, does lease to LESSEE, and LESSEE does lease from LESSOR, that certain real property located at 630 Cooke Street, Kakaako, Honolulu, Hawaii, being a portion of Tax Map Key No. (1) 2-1-051:014, with a lot area of approximately 9,659 square feet, more particularly described in **Exhibit "A-1"** attached hereto and depicted in **Exhibit "A-2"** attached hereto and made a part hereof, together with all easements, appurtenances, and other rights and privileges now or hereafter belonging or appertaining to the Premises (hereinafter, the "**Premises**"). LESSEE's assets shall include the Project, its leasehold interest in the Premises and the right to construct and install the Project on the Premises (collectively, the "**Lessee Property**").”

- c. Exhibit “A-1” is deleted in its entirety and replaced with Exhibit “A-1” attached hereto.

- d. Exhibit “A-2” is deleted in its entirety and replaced with Exhibit “A-2” attached hereto.

2. Amendment of Short Form Lease.

- a. The second paragraph on page 1 of the Short Form Lease is deleted in its entirety and replaced with the following:

“Landlord and Tenant are the current landlord and tenant, respectively, under that certain unrecorded HCDA General Lease No. 17-05 dated June 12, 2018 (the "Lease"), which Lease commenced on June 12, 2018 and expires on June 12, 2083, unless sooner terminated pursuant to the terms set forth therein, demising that certain real property located 630 Cooke Street, Kakaako, Oahu, Honolulu, HI 96813, being a portion of Tax Map Key No. (1) 2-1-051:014, with a lot area of approximately 9,659 square feet, and more particularly described in Exhibit "A-1" attached hereto.”

- b. Exhibit “A” is deleted in its entirety and replaced with Exhibit “A-1” attached hereto.

3. With the exception of the foregoing, all other terms and conditions of the Lease shall remain in full force and effect.

4. This Amendment shall be governed by and construed under the laws of the State of Hawaii.

5. This Amendment may be executed in several duplicate counterparts and such counterparts, when executed, shall constitute a single agreement. Any party may execute and deliver this Amendment by signing the signature page and electronically transmitting a facsimile thereof.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

Lessor and Lessee have executed this Amendment as of the date first above written.

**HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY**

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy Attorney General  
STATE OF HAWAII

By: \_\_\_\_\_  
Name: Garrett Kamemoto  
Title: Interim Executive Director

"Lessor"

[signatures continued on the next page]

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On \_\_\_\_\_, before me personally appeared GARETT KAMEMOTO, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

\_\_\_\_\_  
Type or print name:

Date:\_\_\_\_\_

Notary Public, State of Hawaii

My commission expires: \_\_\_\_\_

Doc. Date: \_\_\_\_\_

# Pages: \_\_\_\_\_

Notary Name: \_\_\_\_\_

First Circuit

Doc. Description First Amendment of Lease  
and Short From Lease

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Stamp or Seal)

**NOTARY CERTIFICATION**



**630 COOKE STREET PARTNERSHIP LP,**  
a Hawaii limited partnership

By: Nohona Hale LLC,  
a Hawaii limited liability company  
Its General Partner

By: BPG Hawaii Partners, LLC,  
a Hawaii limited liability company  
Its Managing Member

By: The Magistro Family I L.L.C.,  
a New York limited liability company  
Its Manager

By: \_\_\_\_\_  
Name: Peter Magistro  
Title: Manager

By: HKI Nohona LLC,  
a Hawaii limited liability company  
Its Member

By: Hui Kauhale, Inc.,  
a Hawaii nonprofit corporation  
Its Sole Member

By: \_\_\_\_\_  
Name: Marian Gushiken  
Title: President

**"Lessee"**

STATE OF NEW YORK                    )  
  ) SS.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, the undersigned, personally appeared PETER MAGISTRO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On \_\_\_\_\_, before me personally appeared MARIAN GUSHIKEN, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

\_\_\_\_\_  
Type or print name:  
Date:  
Notary Public, State of Hawaii  
My commission expires:

Doc. Date: _____		# Pages: _____
Notary Name: _____		First Circuit
Doc. Description: <u>First Amendment of Lease</u> <u>and Short From Lease</u>		
_____ Notary Signature	_____ Date	(Stamp or Seal)
<b>NOTARY CERTIFICATION</b>		

**EXHIBIT “A-1”**

**EXHIBIT “A-2”**