

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES  
Eleventh LEGISLATURE, 1952  
STATE OF HAWAII

H.C.R. NO. 173

# HOUSE CONCURRENT RESOLUTION

RELATING TO THE WAIKIKI WAR MEMORIAL PARK AND NATATORIUM

WHEREAS, by Act 190 of 1919, the Legislature of the Territory of Hawaii appropriated \$200,000 for the purchase of land in Waikiki known as the "Irwin Property", and specified that any park created on this land be designated as the "Memorial Park"; and

WHEREAS, by Executive Order No. 73, dated May 17, 1920, Kapio-lani Park lots 101 to 119 inclusive, being the same land conveyed to the Territory of Hawaii by the William G. Irwin Estate Company by deed dated July 1, 1919, recorded in Liber 525, pages 274-278 in the Bureau of Conveyances, consisting of 6.4 acres, were set aside for park purposes under the care, management and control of the City and County of Honolulu; and

WHEREAS, by Act 15 of 1921, the Legislature of the Territory of Hawaii authorized the construction of "a memorial at Memorial Park, Waikiki, to the men and women of Hawaii who served during the great war", specifying that the plans for such memorial "include a swimming course at least 100 meters in length"; and

WHEREAS, the War Memorial Natatorium, consisting of a 100 meter by 50 feet reinforced concrete swimming pool fed by ocean water, and concrete bleachers seating 2500 people, was completed and opened to the public on August 24, 1927; and

WHEREAS, Executive Order No. 73 was cancelled by Executive Order No. 359 dated June 17, 1929, and the same land was set aside by Executive Order No. 360, dated June 17, 1929, for a "public park and approach to the Natatorium constructed as a War Memorial to be known and designated as Memorial Park to be under the control and management of the Superintendent of Public Works of the Territory of Hawaii" and

WHEREAS, by Act 6 of 1949, the Legislature of the Territory of Hawaii transferred the "management and operation of the Waikiki war memorial natatorium" to the Board of Public Parks and Recreation of the City and County of Honolulu; and

WHEREAS, Executive Order No. 360 was cancelled by Executive Order No. 1445, dated June 14, 1951, and the same land, plus a portion of the underwater area, was set aside by Executive Order No. 1446, dated June 14, 1951, "as a site for the Memorial Park and Natatorium" to be

under the control and management of the Board of Public Parks and Recreation of the City and County of Honolulu; and

WHEREAS, by Executive Order No. 1817, dated March 3, 1958, a portion of the original Memorial Park was set aside for the new Waikiki Aquarium site; and

WHEREAS, by Executive Order No. 2445, dated April 29, 1969, 43,007 square feet were withdrawn from the operation of Executive Order No. 1446 because this portion had been "used twice weekly for some time by the Eastman Kodak Company for the Kodak Hula Show and such use is commercial in nature and violates the provisions of the Executive Order"; and

WHEREAS, by Executive Order No. 2463, dated September 3, 1969, the land withdrawn by Executive Order No. 2445 was set aside "for park purposes, to be under the control and management of the Department of Land and Natural Resources, Division of State Parks"; and

WHEREAS, by letters dated August 9, 1972, September 11, 1972, and December 12, 1972, the Department of Transportation, the Department of Land and Natural Resources, and the City and County of Honolulu's Department of Recreation, respectively, gave their approval to the demolition of the Natatorium as part of the Waikiki Beach Restoration Project of the U. S. Army Corps of Engineers; and

WHEREAS, on February 5, 1973, the Natatorium was placed on the Hawaii Register of Historic Places; and

WHEREAS, on July 13, 1973, the Land Board approved cancellation of Executive Order No. 1446, to facilitate demolition of the Natatorium and completion of the Waikiki Beach project; and

WHEREAS, on October 31, 1973, the Hawaii Supreme Court, in its decision in Natatorium Preservation Committee v. Edelstein (55 Haw. 55), held that the Natatorium could not be demolished without (a) the formal withdrawal of the lands set aside by Executive Order No. 1446 for the Memorial Park and Natatorium, and (b) the opportunity for disapproval by the Legislature of such withdrawal, as required by Section 171-11, Hawaii Revised Statutes; and

WHEREAS, by Act 9, Special Session of 1977, the Legislature appropriated \$323,000 for the demolition of the Natatorium; and

WHEREAS, by Resolution 79-89, adopted April 25, 1979, the City Council of the City and County of Honolulu, finding that the Natatorium "has structurally deteriorated to the point that City maintenance and operation for public use is neither desirable nor economical", that "this structure is unsafe and should be demolished unless extensively repaired", and that the cost of such major restoration "exceeds the City's limited funding abilities", resolved

that the Council approve "1. Returning the management and operation of the Waikiki War Memorial Natatorium and adjacent lands to the State of Hawaii; 2. Petitioning the State of Hawaii to cancel Executive Order No. 1446; and 3. Requesting the State of Hawaii to determine the ultimate use and disposition of the Natatorium"; and

WHEREAS, in June 1979, the City Department of Parks and Recreation padlocked the Natatorium because its deteriorated condition made it too dangerous for public use; and

WHEREAS, by letter dated December 22, 1980, the City Council's Waikiki Task Force recommended that the "Natatorium be demolished as soon as possible; the large rock and plaque in front of the Natatorium be saved to serve as a memorial for those who served their country during World War I; the open space created by the demolition be maintained as open space to provide additional beach space"; and

WHEREAS, on May 3, 1980, the Natatorium was reinstated on the Hawaii Register of Historic Places, and on August 11, 1980, the Natatorium was placed on the National Register of Historic Places; and

WHEREAS, by Senate Resolution 209, Senate Draft 1, adopted April 22, 1981, the Department of Land and Natural Resources was requested to submit a report to the Legislature concerning "the disposition of the Waikiki War Memorial Natatorium", the "jurisdiction of the land and Natatorium facility", and the "future plans and possible use of this facility"; and

WHEREAS, in its December 1981 report entitled "Waikiki War Memorial Natatorium", the Department of Land and Natural Resources reported that: 1. Complete restoration of the Natatorium is estimated to cost \$5,500,000, and would "commit a large sum of public funds not only for initial restoration but also for future operation and maintenance of the facility";

2. Demolition of the bleachers is estimated to cost \$578,000;.

3. Demolition of the bleachers and pool is estimated to cost \$867,000;

4. Demolition of the pool, without constructing replacement groins, would result in the loss of the adjacent San Souci Beach;

5. Demolition of the bleachers and pool, together with groin construction and beach restoration, is estimated to cost \$3,300,000;

6. Three separate proposals from private parties had expressed interest in leasing a restored Natatorium for water shows, pageants or other commercial activities; and

WHEREAS, the Department of Land and Natural Resources, in this report, recommended that:

"1. The Natatorium be restored for recreation-commercial use;

2. The Natatorium be designed, restored, operated and maintained by private enterprise under tight control of the State

government;

3. The restoration of the Natatorium be tied closely to the rebuilding of the Aquarium as a joint development project"; and

WHEREAS, the Department of Land and Natural Resources report includes a dissenting report by members of the Ad Hoc Committee on the Natatorium, consisting of various interested persons with whom the Department consulted, and this dissenting report found that:

1. The valid public purpose for renovating the Natatorium must be a purpose which is worth the cost of reconstruction and maintenance;
2. The memorial aspect can be preserved by retaining the entrance arch and its supporting wall, or by other means;
3. Historical significance alone cannot logically justify a decision to reconstruct the Natatorium;
4. The Natatorium's architecture, however significant, cannot compensate for the natural beauty and view planes it obstructs;
5. Neither 100 meter pools nor salt water pools are normally used for present-day competitive swimming;
6. Several standard 50 meter pools are now available to swimmers on Oahu, which was not the case when the Natatorium was built nor during the period of its popularity;
7. Recreational demand for the Natatorium's 100 meter salt water pool is not compelling enough to warrant its restoration;
8. There is a demonstrable recreational need and demand for additional beach space;

and

WHEREAS, the Ad Hoc Committee on the Natatorium recommended: "immediate demolition of the Natatorium; and that the State "preserve public control over public park land in this area and reject any proposal to use park land or the Natatorium for commercial purposes"; now, therefore

BE IT RESOLVED by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, the Senate concurring, that the Legislature finds and declares that:

1. The overriding public purpose of the land remaining under the operation of Executive Order No. 1446, a purpose which was established by the Legislature in Act 190 of 1919 and Act 15 of 1921, and which remains valid, and which should guide in perpetuity all actions regarding this land, is to serve as a memorial park honoring the men and women of Hawaii who served during World War I;
2. The subordinate purpose, which determined the form of the structure built at the Memorial Park, was to provide a public arena for competitive swimming in a 100 meter salt water pool, and this usage no longer remains a valid public purpose, considering the lack of demand for such a facility so used and the availability of other facilities more appropriate to current sports practices;
3. As stated by the Attorney General in Natatorium Preservation Committee v. Edelstein, the Memorial Park purpose can be

served without the Natatorium structure;

4. The Natatorium structure, as evidenced by testimony and letters presented to the Department of Land and Natural Resources, is logically suited to commercial spectator events such as water shows and aquacades, but, as evidenced by Executive Order No. 2445 and by testimony of veterans' organizations, community groups and neighboring residents, such commercial use is inappropriate to this Memorial Park and the adjacent residential area;

5. The present condition of the Natatorium constitutes a hazard to the health, safety and welfare of the general public, and it has become a public nuisance, a blight and eyesore in the State's major visitor destination area, and a mark of unintended disrespect to those for whom it was built as a memorial;

and

BE IT FURTHER RESOLVED that, mindful of the historic preservation mandate contained in Article IX, Section 7 of the Constitution of the State of Hawaii, in Chapter 6E of Hawaii Revised Statutes and in the Hawaii State Plan, the Legislature nevertheless had determined that preservation of the Natatorium in its present form would serve no valid public purpose, and could, because of competing public interests, create such ill will that it could be harmful to the cause of historic preservation and a disservice to those for whom it was intended as a memorial; and

BE IT FURTHER RESOLVED that the Legislature reluctantly concludes that the bulk of the Natatorium structure must be demolished; and

BE IT FURTHER RESOLVED that, having duly considered the Department of Land and Natural Resources report on the Natatorium, the Legislature does not concur with the Department's recommendations that the Natatorium be restored for "recreation-commercial use" in a joint development project with the Waikiki Aquarium, and be operated by private enterprise; and

BE IT FURTHER RESOLVED that the Legislature hereby requests and approves the formal withdrawal by the Governor of all lands remaining under the operation of Executive Order No. 1446, and that the Legislature hereby requests and approves the setting aside of the same lands for the sole purpose of a Memorial Park honoring the men and women of Hawaii who served during World War I; and

BE IT FURTHER RESOLVED that the Legislature hereby requests and approves the eventual setting aside of all lands now under the operation of Executive Order No. 1446 and Executive Order No. 2463 to be under the management and control of the City and County of Honolulu, in order to facilitate operation and maintenance, and to simplify the jurisdiction, of these lands in conjunction with the adjacent Kapiolani Park; and

BE IT FURTHER RESOLVED that the Memorial Park should be properly improved and maintained as open park space, containing the existing large stone and memorial plaque, and, if feasible, the existing memorial archway of the Natatorium structure bearing the inscription "The War Memorial", together with the minimum supporting structure deemed necessary and appropriate; and

BE IT FURTHER RESOLVED that there shall be no commercial use or activity whatsoever in the Memorial Park; and

BE IT FURTHER RESOLVED that the Department of Land and Natural Resources prepare, in consultation with the City and County of Honolulu and other interested parties, and submit to the Legislature, twenty days prior to the convening of the 1983 Regular Session, a report describing the means by which the Natatorium may be removed, the Memorial Park improved, and the appropriate historic and memorial aspects preserved; and

BE IT FURTHER RESOLVED that the report shall include, but not be limited to designs and cost estimates for the following options:

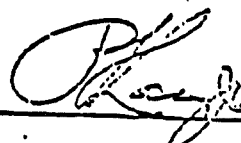
1. Complete beach restoration of the area now occupied by the Natatorium;
2. Conversion of all or part of makai walls of the Natatorium into groins to create a protected swimming area;
3. Conversion of the Natatorium into a landscaped peninsula by filling in the pool;

and

BE IT FURTHER RESOLVED that all design options shall include specific provisions for facilitating access to the beach and ocean by the physically-handicapped; and

BE IT FURTHER RESOLVED that, in view of the review processes connected with the State and National Registers of Historic Places, the Department of Land and Natural Resources shall take all timely and appropriate actions which would facilitate the implementation of this Resolution; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor of Hawaii, the Mayor and Council of the City and County of Honolulu, and the Chairman of the Board of Land and Natural Resources.

OFFERED BY: 

APR 13 1982