

lowen2-Nga

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 15, 2014 7:06 AM
To: waltestimony
Cc: douglasvalenta@gmail.com
Subject: *Submitted testimony for HCR97 on Mar 17, 2014 08:00AM*

HCR97

Submitted on: 3/15/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
douglas valenta	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 15, 2014 12:31 PM
To: waltestimony
Cc: rkorph@gmail.com
Subject: Submitted testimony for HCR97 on Mar 17, 2014 08:00AM

HCR97

Submitted on: 3/15/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Okamura	Individual	Support	Yes

Comments: A financial and management audit of the HCDA is over due. The HCR should also include clarifying HAR Chapter 15-218 subchapter 4 of the Kakaako Reserved Housing Rules. This subchapter creates too many concessions for the developer without any return to the community. There is no assurance that workforce personnel are actually purchasing workforce housing that were permitted. The subchapter allows double density and modifications without any equity sharing upon re-sale or fees for public facilities. Workforce Housing in NOT affordable housing.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 15, 2014 3:05 PM
To: waltestimony
Cc: pwood229@gmail.com
Subject: Submitted testimony for HCR97 on Mar 17, 2014 08:00AM

HCR97

Submitted on: 3/15/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Wood	Individual	Support	No

Comments: Public concern can no longer be ignored. Too many questions have been raised regarding HCDA operations, without adequate answers. An audit will provide the legislature with the information it needs to correct existing problems and ensure HCDA programs meet their legislative intent. In regards to item (3) affordable and workforce housing; please clarify HAR Chapter 15-218 subchapter 4 of the Kakaako Reserved Housing Rules. Subchapter 4, Workforce Housing, allows: 1) double density; 2) modifications to The Mauka Area Rules; and, 3) no requirement for public facilities dedication fee. In return there is no assurance these units are priced as affordable to and will be sold to the intended Hawaii "workforce" buyer. "Workforce" buyers are defined as earning between 100% and 140% AMI. Is this the legislative intent? If not, it should be addressed.

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Testimony of Grace Y. Ishihara
to the
Committee on Water & Land
Monday, March 17, 2014
0800, Conference Room 325

Honorable Cindy Evans, Chair
Honorable Nicole Lowen, Vice Chair
Members of the Committee on Water & Land

HR No. 71
Requesting a Financial and Management Audit of the Hawaii Community
Development Authority (HCDA)

I strongly support HR No. 71. HCDA's financial records and management practices should be audited.

If there are any negative findings resulting from this investigation, the HCDA should not be allowed to conduct business until they are resolved.

I would also like to request that the findings be made public to the community.

HCDA claims to be doing everything according to their Mauka Area Plans, so this investigation will make it all clear.

Thank you for this opportunity to testify on this resolution.

Grace Ishihara
ue-wale0903@hotmail.com

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 15, 2014 5:59 PM
To: waltestimony
Cc: williamlee244@gmail.com
Subject: *Submitted testimony for HCR97 on Mar 17, 2014 08:00AM*

HCR97

Submitted on: 3/15/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
William Lee	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 15, 2014 6:10 PM
To: waltestimony
Cc: bentran@yahoo.com
Subject: *Submitted testimony for HCR97 on Mar 17, 2014 08:00AM*

HCR97

Submitted on: 3/15/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
BEN TRAN	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 15, 2014 7:03 PM
To: waltestimony
Cc: lynnehi@aol.com
Subject: Submitted testimony for HCR97 on Mar 17, 2014 08:00AM

HCR97

Submitted on: 3/15/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments: I am in full support of this CR. It will lift opaqueness from the activities of the HCDA and open transparency. lynne matusow, 60 N. Beretania, #1804 honolulu 96817

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 15, 2014 9:18 PM
To: waltestimony
Cc: shannonkona@gmail.com
Subject: Submitted testimony for HR71 on Mar 17, 2014 08:00AM

HR71

Submitted on: 3/15/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments: Strongly Support.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 15, 2014 10:02 PM
To: waltestimony
Cc: clkkimura@gmail.com
Subject: Submitted testimony for HCR97 on Mar 17, 2014 08:00AM

HCR97

Submitted on: 3/15/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cara Kimura	Individual	Support	No

Comments: I strongly support this resolution. An audit of HCDA is sorely overdue and necessary to ensure that it is fulfilling its duties and serving in the best interest of all.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 15, 2014 10:54 PM
To: waltestimony
Cc: MSMatson@hawaii.rr.com
Subject: Submitted testimony for HCR97 on Mar 17, 2014 08:00AM

HCR97

Submitted on: 3/15/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Matson	Individual	Support	No

Comments: As a founding member of the Kaka'ako Makai Community Planning Advisory Council, I strongly support HCR97 and HR 71, REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY. The HCDA, guided by their executive staff, engages in misguided planning and development practices, violates their governing statutory guidelines, and blatantly ignores public concerns, testimony and the larger public interest. The audit should particularly look into the HCDA's "exclusive negotiations" and the taking of public land for private interests, as well as the HCDA's "orders to show cause" for the increasing number of public contested cases brought on by the HCDA's actions. This audit cannot come soon enough.

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Kaka'ako Ūnited

Testimony of
Sharon Y. Moriwaki
Before the
House Committee on Water and Land
Monday, March 17, 2014, 8:00 a.m., Conference Room 325

In Strong Support of HR 71 and HCR 97, Requesting a financial and management audit of the Hawaii Community Development Authority

To: Chair Cindy Evans, Vice Chair Nicole Lowen, and Members

My name is Sharon Moriwaki. I am a resident of Kaka'ako and president of Kaka'ako Ūnited, an organization of citizens concerned about Kaka'ako's future, and came together when we saw HCDA approving major development projects--11 in the past year and more occurring as we speak-- without following the plans and rules that the community adopted in 2005 and 2011.

We strongly support HR 71 and HCR 97, which provides the legislative oversight to ensure that HCDA fulfill its mission and responsibilities as envisioned in Chapter 206E, HRS. We respectfully request the following additional amendments that will address many of the community's concerns about Kaka'ako and the HCDA that your committee has received in previous hearings:

- (1) Amend the provision on affordable housing as follows: “ (3) The extent of affordable and workforce housing to be constructed under the current rules, specifically how it has implemented the law, including but not limited to supporting information on the number, location, type and size of reserved housing units sold by income level and cost of the unit; and
- (2) Include the following items in HB 1865 HD1, which your committee earlier passed, to examine the:
 - ✓ representativeness and fairness of the authority's current composition;
 - ✓ procedures for encouraging community participation and implementing its suggestions in creating and/or amending its development plan(s) and in project reviews;
 - ✓ procurement procedures, particularly its contracts and leases; and
 - ✓ procedures and criteria in selecting contractors.

It has been 37 years since the HCDA was established and therefore the audit is appropriate and long overdue. HCDA should be evaluated to determine whether it is meeting its charge to develop Kaka'ako to achieve the goals of Chapter 206E, HRS, i.e. to create a mixed use, mixed density, and mixed income community that would "meet the unmet needs and highest aspirations of Hawaii's people." We therefore strongly support and urge your adoption of HR 71 and HCR 97.

Thank you for your consideration and support.

KŪ: Kaka'ako Ūnited
415 South Street Main Office • Honolulu, Hawaii 96813
www.kakaakounited.org • info@kakaakounited.org



Ensuring the quality of life for an integrated Kaka'ako community from mauka to makai.

lowen2-Nga

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 16, 2014 4:11 AM
To: waltestimony
Cc: jemray@hawaii.rr.com
Subject: Submitted testimony for HR71 on Mar 17, 2014 08:00AM

HR71

Submitted on: 3/16/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jan Murray	Individual	Support	No

Comments: I SUPPORT HR71 Please support this effort. Mahalo

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Sent: Sunday, March 16, 2014 6:56 AM
To: waltestimony
Cc: juggler@aloha.net
Subject: *Submitted testimony for HR71 on Mar 17, 2014 08:00AM*

HR71

Submitted on: 3/16/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Graham Ellis	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 16, 2014 8:01 AM
To: waltestimony
Cc: ptadaki@hotmail.com
Subject: Submitted testimony for HCR97 on Mar 17, 2014 08:00AM

HCR97

Submitted on: 3/16/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Paula B Tadaki	Individual	Support	No

Comments: HCDA has operated as an independent agency. It's time for an audit to assure the public they are performing their duties for the best of the community and not the developers.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 16, 2014 8:20 AM
To: waltestimony
Cc: jjn@lava.net
Subject: Submitted testimony for HR71 on Mar 17, 2014 08:00AM
Attachments: HR71 HCR97 Testimony.docx

HR71

Submitted on: 3/16/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
James Nelson	Individual	Support	Yes

Comments: Thank you for hearing this measure. Please see attached testimony.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 16, 2014 10:29 AM
To: waltestimony
Cc: mauibrad@hotmail.com
Subject: *Submitted testimony for HR71 on Mar 17, 2014 08:00AM*

HR71

Submitted on: 3/16/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Parsons	Individual	Support	No

Comments:

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HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAIAKO
KALAELOA

Neil Abercrombie
Governor

Brian Lee
Chairperson

Anthony J. H. Ching
Executive Director

461 Cooke Street
Honolulu, Hawaii
96813

Telephone
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E-Mail
contact@hcdaweb.org

Web site
www.hcdaweb.org

STATEMENT OF

ANTHONY J. H. CHING, EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE

HOUSE COMMITTEE ON WATER & LAND

ON

Monday, March 17, 2014

8:00 A.M.

State Capitol, Conference Room 325

in consideration of

**H.R. 71 / H.C.R. 97 – REQUESTING A FINANCIAL AND MANAGEMENT
AUDIT OF THE HAWAII COMMUNITY
DEVELOPMENT AUTHORITY.**

Purpose: To request a financial and management audit of the Hawaii
Community Development Authority.

Position: I provide the following comments with respect to the audit of the
HCDA by the Auditor.

No Findings to Support. There are no findings indicating the problem that
the legislation seeks to identify or provide justification for this audit of the HCDA.
The Legislative Auditor currently conducts a financial audit of the HCDA as a part
of the State's Comprehensive Annual Financial Review. It is my belief that this audit
already analyses the HCDA's expenditure of funds and procurement procedures.

Community Engagement and Transparency. The 2011 Administrative Rules were initiated in 2003, adopted in 2011 and featured the preparation of an Environmental Impact Statement, infrastructure studies, numerous stakeholder/community meetings, public hearings and 3 appearances before the Small Business Regulatory Review Board. These rules are administered strictly by the Authority and require the adoption of specific findings detailing the conformance of each development application with the criteria available in the rules.

Mixed-Use, Mixed-Income Community. Past and current history of the agency shows that it strives to meet and in fact has delivered on the goals set by the Legislature. Each year, our state needs approximately 5,700 new housing units to meet the demands of our growing population. Without constructing sufficient housing units to meet this demand, our youth, their energy and innovation will be obliged to move elsewhere. The HCDA, in permitting the construction of about 4,000 units in the next 2-5 years, is a “part of the solution” and not a “part of the problem.”

Rules have been established specifically for the neighborhood in Kakaako (Central Kakaako) known for its commercial and light industrial activities to preserve its unique character. These rules specifically allow the unique frontage types (no curb and gutter, customer/tenant parking in the frontages, no setbacks) that have been historically observed and requested by these small businesses. In addition, on-site parking requirements have been waived to allow these small businesses to determine how best to use their holdings.

Past and current rules emphasize the mix of uses and most recently have produced the SALT commercial and affordable rental units at 680 Ala Moana Boulevard. The construction of the JABSOM and the UH Cancer Center on HCDA lands are examples of how state agencies, when working in coordination with legislative direction and appropriation, have brought jobs, education and research to the area.

Affordable Housing Creation. Since its creation in 1976, the HCDA has overseen the development of over 6,000 new housing units in Kakaako alone. At the conclusion of this building cycle, approximately 37% of all units ever built in the Kakaako Community Development District will have been reserved for qualified income groups. The most recent building permit application approvals granted by the HCDA will produce 2,158 qualified income units (with little or no government subsidy) and 1,858 market units, which equates to over 50% of all units in the current construction cycle being reserved for qualified income groups. This demonstrates our commitment to creating housing that is affordable to families of all income levels.

Thank you for the opportunity to provide our comments on this measure.

lowen2-Nga

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 16, 2014 10:48 AM
To: waltestimony
Cc: webnolan@hawaii.rr.com
Subject: Submitted testimony for HCR97 on Mar 17, 2014 08:00AM

HCR97

Submitted on: 3/16/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Webster Nolan	Individual	Support	No

Comments: House Committee on Water & Land Hearing Monday March 17, 2014, on House Resolution 71 and House Concurrent Resolution 97 Requesting a Financial and Management Audit of the HCDA Chairperson Evans and Member of the House Committee on Water and Land, my name is Webster Nolan and I have lived and worked in Kakaako for many years. I will limit my testimony to just one of the many issues that require more careful scrutiny: the history of the so-called workforce housing rules. An auditor needs to look at how this section of the HCDA rules suddenly came into existence and how much effort was made to see that the public could review this particular program. The section was so quickly cut-and-pasted into the lengthy HCDA development rules that a critical and central point is left unclear, namely whether certain provisions of reserve housing also apply to workforce housing. This point is particularly significant because it deals with qualifications for ownership of "workforce" units, which in turn determines whether speculators/flippers can buy the units, and the answer to that question determines whether a developer is actually entitled to "double density" construction. These issues were raised repeatedly during public testimony on the "801 South Street Phase Two" project, and are now part of the public record available to the auditors requested by these two resolutions. By examining the testimony, an auditor can discover who exactly is best served by the "workforce" provisions: is it the developers/financiers of such projects or is it "Hawaii's hard-working people," as proclaimed by the "801 South" proponents? In that case, "workforce" rules allowed HCDA to grant the developer a massive bonus: permission to build two condo towers where the lot is really only supposed to support one tower. Additionally, as public testimony showed, serious questions about affordability remain unresolved, due mainly to the loopholes created by HCDA in writing the "workforce" rules. An impartial audit will provide the Legislature with objective answers to these questions and will shine much-needed bright light on a highly dubious HCDA program. Thank you.

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Sent: Sunday, March 16, 2014 4:20 PM
To: waltestimony
Cc: rdulcich@gmail.com
Subject: Submitted testimony for HR71 on Mar 17, 2014 08:00AM

HR71

Submitted on: 3/16/2014

Testimony for WAL on Mar 17, 2014 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Dulcich	Individual	Support	No

Comments: I support HR71/HCR97 which will hold the HCDA accountable, financially and for their actions. Too much authority has been given to the HCDA.

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Testimony in Strong Support of HR 71 and HCR 97
HCDA Audit

House Committee on Water and Land
Monday, March 17, 2014, 8:00 a.m., Conference Room 325

In Strong Support of HR 71 and HCR 97, Requesting a financial and management audit of the Hawaii Community Development Authority

To: Chair Cindy Evans, Vice Chair Nicole Lowen, and Members

My name is Wayne Takamine and I participated as the Chair of the Kaka'ako Makai Community Planning Advisory Council (CPAC) in the creation and HCDA approval of the Kaka'ako Makai Master Plan.

In 2012, the legislature approved SB2742 SD1 HD2 CD1 that states:

The purpose of this measure is to change the composition of the Hawaii Community Development Authority (HCDA), decrease the membership of HCDA to nine voting members for each established district, and allow HCDA to lease all or a portion of the real or personal property constituting a project in the Kakaako Community Development District, without recourse to public auction or public notice for sealed bids.

After the enactment Act 323 in 2012, the HCDA board was reduced from 13 members to 9 members. However, after the transition the HCDA consisted of only 8 board members and was reduced to 7 board members in May of 2013 when the Cultural Specialist's term was not extended. During this period the Kaka'ako Community and Legislators asked the HCDA to fill its vacancies but those calls were not heeded until 2014.

After Act 323 enacted on August 21, 2013 the HCDA approved exclusive negotiations for a 25 year lease of over 9 acres of Kaka'ako Waterfront Park for a commercial LED light show. This proposal immediately created a public uproar after learning the HCDA is able to lease public park lands for commercial use. The HCDA Special Hearing was held on August 22, 2013 which was **not** its typical meeting time on the first Wednesday of the month. I also started over 2.5 hours late because it followed a public hearing for a controversial condominium project. I was one of a handful of the public stayed after 3:00pm to hear the information about the project and then try to give testimony on the project I only heard of minute's earlier.

CPAC was created in 2006 during the Kaka'ako Makai HCDA Condominium RFP controversy by a House Concurrent Resolution-HCR-30:

BE IT FURTHER RESOLVED that the Hawaii Community Development Authority immediately convene a working group of interested stakeholders, particularly the groups and individuals that have surfaced in this controversy, to meaningfully participate in the development, acceptance, and implementation of any future plans for the development of Kakaako Makai;

On June 17, 2010 as the acting chair of CPAC, I attended the Kaka'ako Makai District Master Plan Community Workshop No. 2. The workshop was attended by HCDA Staff, MVE Pacific Ltd (lead consultant), Townscapes (consultant,) CPAC participants, Kaka'ako Makai stakeholders and community groups including the Friends of Kewalo Basin, Save Our Surf, Hawaii Bodysurfing Association, Kewalo Basin Commercial Boater. Participants were shocked to see residential proposals despite having HRS 206E-31.5 that prohibits residential planning and development in Kaka'ako Makai clearly stated in the briefing book. The HCDA had spent \$600,000 for consultants and community meetings leading up to the presentation at Workshop No. 2 which was rejected by

large majority of participants at Workshop No. 2. To complete the Kaka'ako Master plan the HCDA had to request another \$125,000 and in May of 2011 the HCDA Board approved the Kaka'ako Makai Master Plan.

Because of HCDA's lack of transparency in its public hearing process and the inconsistent accountability from HCDA's board membership, CPAC strongly supports a managerial and financial audit of HCDA.

Respectfully,

Wayne Takamine
Chairman
Kaka'ako Makai Community Planning Advisory Council (CPAC)

Hawaii Community Development Authority
Special Meeting
August 21, 2013
11:05 a.m.
461 Cooke Street
Honolulu, Hawaii 96813

LIEUTENANT GOVERNOR'S
OFFICE

13 AUG 14 P2:44

AGENDA
KAKAAKO

I. CALL TO ORDER/ROLL CALL

II. REPORT OF THE EXECUTIVE DIRECTOR

III. KAKAAKO MATTERS*

1. Decision Making: Shall the Authority Authorize the Executive Director to Enter Into a Thirty (30) Year Lease Agreement with an Option to Extend an Additional Ten (10) Years with KB Marina L.P. for the Kewalo Basin Harbor in Accordance with the Terms and Conditions Recommended by the Hawaii Community Development Authority Staff Report?
2. Decision Making: Shall the Authority Authorize the Executive Director to Enter into an Exclusive Negotiations Agreement with Illuminage Group, Inc. for the Potential Lease and Development of a Portion of Kakaako Waterfront Park (TMK: 2-1-60: 08 por.) for a Family-Oriented Theme Park?
3. Decision Making: Shall the Authority Authorize the Executive Director to Enter into an Exclusive Negotiations Agreement with Goodluck Corporation and/or Take and Give Needs Co., Ltd for the Potential Lease and Development of a Portion of Fast Land along the Diamondhead Side of Kewalo Basin (Portion of TMK 2-1-058:128) for a Mixed Use Development including Parking and Negotiate a Lease and Development Agreement?

IV. ADJOURNMENT