

## Report of the Executive Director

### *Kakaako Report*

February 7, 2018

#### I. Planning

A. Approved permit applications that did not require HRS § 206E-5.6 hearings.

<b>Name of Applicant:</b>	<b>Project:</b>	<b>Action:</b>
GE Hawaii	<b>KAK 17-158</b> New Mechanical Equipment	1/08/18
CLRF	<b>KAK 17-159</b> Interior Alterations for Restaurant	1/10/18
Trustees of the Estate of Bernice Pauahi Bishop	<b>KAK 17-160</b> Interior Alterations	1/02/18
Beer HI LLC	<b>KAK 17-161</b> Interior Alterations	1/10/18
1350 Ala Moana LLC	<b>KAK 18-001</b> Interior Alterations unit 906	1/08/18
Huikala Baptist Church	<b>KAK 18-002</b> Interior Mechanical Alterations	1/10/18
Jim R Yates	<b>KAK 18-003</b> Interior Alterations	1/19/18
Howard Hughes Corporation	<b>KAK 18-004</b> Interior Alterations	1/19/18

B. Ward Village Central Plaza: HCDA staff reviewed and signed off on the demolition permit and site improvement permit for Ward Village Central Plaza. Howard Hughes Corporation has indicated the construction of Central Plaza could tentatively start in May 2018.

#### II. Asset/Land/Property Management

A. Kakaako Waterfront Park/Kakaako Makai Gateway Park/Kewalo Basin Park – December 2017 updates.

1. There were two park permits issued for the month of December 2017.
2. There were no vehicles towed during normal park hours for violating parking rules and none towed after park hours.

B. Reserved Housing – December 2017

1. There were no subordination approvals granted to refinance reserved housing units.
2. There was one reserved housing unit buy back request (during its regulated term).
3. There were no approved Release of Unilateral Agreement (allows a Reserved Housing unit owner to pay off its shared equity to HCDA upon the sale of a unit outside of its regulated term).

There were five inquiries relating to Reserved Housing Rules and Regulations.

C. Right of Entry Agreements - December 2017

There are eleven active Right of Entry agreements that remained in place through December 2017. See Exhibit A.

D. Park Updates

Kakaako Waterfront Park and Kakaako Gateway Mauka and Makai Park reopened on January 8, 2018, after extensive health and safety repairs. Repairs to irrigation, electrical systems, and other infrastructure have cost the HCDA \$178,215.33.

HCDA's security vendor secured both Waterfront Park and Gateway Parks during the maintenance closure and continues to clear the parks nightly at 10 p.m.

A joint enforcement with state and city crews took place on December 17, 2017 at 10:00 p.m. to remove the encampments that were relocating from the park to the sidewalk each night. These enforcements continued throughout the month to prevent the hardening of encampments either in the park or on the sidewalk.

HCDA, the Governor's Homeless Coordinator, the Department of Attorney General and the Department of Public Safety continue to work collaboratively toward new strategies to ensure the park is safe and available to all members of the public.

E. Kewalo Basin Hearings Officer Procurement

The HCDA sought the assistance of the Attorney General (AG) regarding the procurement of a hearings officer for the following:

Docket No. ACC-2017-01	In Re the Petition of Golden Eagle Marine Charter Services Corp.
Docket No. DR-PET-2017-01	In Re the Petition of Golden Eagle Marine Charter Services Corp.
Docket No. ACC-2017-02	In Re the Petition of S.O.M. LLC
Docket No. DR-PET-2017-02	In Re the Petition of S.O.M. LLC

The above petitions relate to experiences by two tenants at Kewalo Basin Harbor. At its November 1, 2017 meeting, the Authority declined to approve an open-ended contract amount above \$25,000 and instead requested additional information on the bill rate for the selected Hearings Officer.

Wayne Nassar, Esq. was selected based on the qualifications listed in the AG’s annual professional services listing, which is prepared in compliance with the State Procurement Code.

On January 29, 2018, Deputy Attorney General, Lori Sunakoda completed negotiations with Mr. Nassar regarding the hourly billable rate and the estimated total fees and costs, based on the scope of work. The costs are as follows:

**HOURLY BILLABLE RATE**

\$260.00 (based on a range of \$260.00 - \$325.00)

**PREPARATION FOR HEARING**

Review of HCDA’s enabling statute and HCDA’s administrative rules, petitions, and other submittals filed by the parties.

3 days (8 hours per day) = Total of 24 hours

Total: \$6,240.00 (24 x \$260.00)

**HEARINGS**

Includes any pre-hearing conferences with the parties and parties’ Attorneys.

3 days (8 hours per day) = Total of 24 hours

Total: \$6,240.00 (24 x \$260.00)

**POST-HEARING**

Review of the hearing record (transcripts, exhibits)

Preparation of written report to the Board

Preparation of recommended proposed Findings of Fact, Conclusions of Law and Decision and Order

3 days (8 hours per day) = Total of 24 hours

Total: \$6,240.00 (24 x \$260.00)

Total Fees: \$18,720.00

Photocopying Costs: 100.00

Subtotal: \$18,820.00

Excise Tax (4.5%): 846.90

**TOTAL: \$19,666.90**

The hearings officer will preside over all matters related to the above hearings and provide the Authority a report and recommended Findings of Fact, Conclusions of Law, and Decision and Order following the proceedings.

Deputy Attorney General Sunakoda will compile and prepare the required contract documents to retain Mr. Nassar, and the contract will be funded by the HCDA.

Attachments:

Exhibit A: List of Right of Entry Agreements