

From: [Isaac Paka Harp](#)
To: [DBEDT LUC](#)
Subject: [EXTERNAL] Testimony: LUC Agenda Item IV. A81-525 Y-O LIMITED PARTNERSHIP
Date: Monday, April 10, 2023 12:20:41 PM
Attachments: [April 12, 2023 LUC Agenda Item IV.pdf](#)



Aloha LUC Chair Giovanni and Members of the Commission,

Please see my attached written testimony on LUC Agenda item number IV, to be considered by the LUC on April 12, 2023.

Mahalo, Isaac "Paka" Harp

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April 10, 2023

Aloha LUC Chair Giovanni and Members of the Commission,

RE: Testimony: LUC Agenda Item IV. A81-525 Y-O LIMITED PARTNERSHIP (Hawai'i)

Petitioner RCFC KALOKO, successor to Y-O LIMITED PARTNERSHIP (Hawai'i), is requesting a 10-year time extension to fulfill their obligations for Phase I of their project. Regardless of their 40-year failure to fulfill their obligations, Petitioner is also seeking redistricting of Phase II of their project. Prior to considering the petitioners request for redistricting of Phase 2, the LUC should mandate the Petitioner fulfill their obligations under Phase 1, a requirement not an option.

Under the 1983 LUC Decision and Order, Petitioner had until January 19, 1988, to submit an application for the reclassification of Phase II. In order to submit this application, Petitioner must have made substantial completion of the onsite and offsite improvements within Phase I and Phase II, including partial satisfaction of the conditions to provide affordable housing. Affordable housing units have yet to be established.

Forty years ago, the LUC set the affordable housing quota for Phase 1 at 10 percent of the market-rate units planned. In contrast, Hawaii county has required an affordable housing quota of 20 percent for over 20-years. As we see by this example, the days of the 10 percent affordable housing quota are long past. Considering the Petitioner's prolonged breach of their 1983 obligations, and the current 20 percent affordable housing quota established by the affected county, the LUC should update the 10 percent affordable housing quota to, at a minimum, meet Hawaii county's 20 percent quota.

Not only has the Petitioner failed to meet their affordable housing obligations, Petitioner's actions have resulted in the unpermitted destruction of some of Hawaii's shrinking inventory of cultural/historic properties. I call upon the LUC to urge the Attorney General's office to open an investigation into Petitioner's alleged violations of Hawaii's Historic Preservation laws. Should the investigation reveal that violations have occurred, the AG's office should be compelled to ensure that the appropriate enforcement actions are taken.

In conclusion, the Petitioner's project has a long history of questionable activities that should be investigated by the AG's office prior to any decision by the LUC to approve any and all requests by the Petitioner.

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