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Department of Planning and Permitting

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Petition Of

GENTRY INVESTMENT PROPERTIES,
A Hawai'i Limited Partnership

To Amend The Agricultural Land Use District
Boundary Into The Urban Land Use District
For Approximately 282.614 Acres Of Land At
Ewa, O'ahu, Hawai'i, Tax Map Key Nos.:
9-1-10:7 And 9-1-69:5

DOCKET NO. A03-738

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PLANNING AND
PERMITTING'S STATEMENT IN
SUPPORT OF PETITIONER GENTRY
INVESTMENT PROPERTIES MOTION
FOR AN ORDER RELEASING
CONDITIONS 1 THROUGH 22 IN THE
FINDINGS OF FACT, CONCLUSIONS OF
LAW AND DECISION AND ORDER
DATED AND FILED ON JANUARY 2,
2004; DECLARATION OF FRANZ
KRAINTZ; EXHIBITS A AND B;
CERTIFICATE OF SERVICE

CITY AND COUNTY OF HONOLULU DEPARTMENT OF PLANNING AND
PERMITTING'S STATEMENT IN SUPPORT OF PETITIONER GENTRY INVESTMENT
PROPERTIES MOTION FOR AN ORDER RELEASING CONDITIONS 1 THROUGH 22
IN THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION AND ORDER DATED AND FILED ON JANUARY 2, 2004

The City and County of Honolulu Department of Planning and Permitting ("DPP"), by and through its undersigned counsel, respectfully submits its position on Petitioner's, Gentry Investment Properties ("Petitioner"), *Motion for an Order Releasing Conditions 1 through 22 in the Findings of Fact, Conclusions of Law and Decision and Order Dated and Filed on January 2, 2004* ("Motion") and *Petitioner Gentry Investment Properties Supplemental Memorandum in Support of Petitioner's Motion for an Order Releasing Conditions 1 Through 22*, filed on August 6, 2025 ("Supplemental Memo"). Petitioner seeks the release of conditions 1 through 22 imposed by the Findings of Facts, Conclusions of Law, and Decision and Order, filed on January 2, 2004 ("Ewa Makai D&O") in Land Use Commission ("LUC") Docket no. A03-738.

DPP has reviewed Petitioner's Motion and Supplemental Memo and contacted other State and City departments as part of its review for this matter. DPP supports a release of all conditions based on the analysis below.

I. FULFILLED CONDITIONS

DPP supports Petitioner's request that the LUC determine that Conditions 1 through 5, 7, and 10 through 22 have been fulfilled.

Condition 1 states:

Affordable Housing. Petitioner shall provide affordable housing opportunities for low, low-moderate, and gap group income residents of the State of Hawai'i to the satisfaction of the City and County of Honolulu. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between Petitioner and the County.

Ewa Makai D&O at 55.

Petitioner provided a letter from DPP dated March 16, 2020, affirming that Petitioner has built the required affordable housing units. Motion at Exh. 1, Appendix 2. DPP supports a determination that this condition is fulfilled.

Condition 2 states:

Public School Facilities. Petitioner shall contribute to the development, funding, and/or construction of school facilities, on a fair-share basis, as determined by and to the mutual satisfaction of Petitioner and the Department of Education. Terms of the contribution shall be agreed upon in writing by Petitioner and the Department of Education prior to obtaining County rezoning.

Ewa Makai D&O at 55.

The Ewa Makai Middle School is now in operation, and DPP supports a determination that this condition is fulfilled.

Condition 3 states:

Wastewater Facilities. Petitioner shall fund and construct adequate wastewater transmission and disposal facilities, as determined by the City and County of Honolulu Department of Environmental Services and the State Department of Health.

Ewa Makai D&O at 56.

The Department of Environmental Services (“ENV”) has accepted the Ewa by Gentry 2 Wastewater Pump Station, and Petitioner has constructed improvements to the Ewa Gentry 1 Pump Station. Supplemental Memo at Exhibits 3, 4. DPP supports a determination that this condition is fulfilled.

Condition 4 states:

Transportation. Petitioner shall participate in the pro-rata funding and construction of local and regional transportation improvements and programs necessitated by the proposed development according to the regulatory scheme and factors covered by the City and County of Honolulu's impact fee ordinance - Chapter 33A, Revised Ordinances of Honolulu, and as determined by the State Department of Transportation.

Petitioner shall undertake subsequent mitigative measures that may be required by the Department of Transportation or the City and County of Honolulu. The mitigative measures shall be coordinated with and approved by the Department of Transportation and the City and County of Honolulu, as appropriate.

Petitioner in coordination with DOT shall provide briefing and update on regional and local traffic improvement projects to the 'Ewa community on a semi-annual basis in conjunction with this project.

Ewa Makai D&O at 56.

Under Revised Ordinances of Honolulu (“ROH”) Chapter 33A impact fees must be paid before the issuance of building permits. *See* ROH § 33A-1.3(a). Petitioner has paid its pro rata share of impact fees, and the issuance of building permits further supports Petitioner’s position. Further, DPP confirms that Petitioner has undertaken mitigative measures, such as changing roadway layouts to enhance connectivity. DPP supports a determination that this condition has been fulfilled.

Condition 5 states:

Landscaped Building Setback. Petitioner shall provide a landscaped building setback (approximately 12 feet) along the Project's Fort Weaver Road frontage to provide flexibility in accommodating future transportation needs along the route and to buffer roadway noise.

Ewa Makai D&O at 56–57.

The approximately 12-foot setback along Fort Weaver Road has been built. Therefore, DPP supports a determination that this condition is fulfilled.

Condition 7 states:

Historic Preservation Mitigation Plan. Petitioner shall coordinate and discuss with the Office of Hawaiian Affairs the incorporation of Hawaiian cultural elements such as trail alignments, if deemed appropriate, and the use of proper place names for the proposed development.

Ewa Makai D&O at 57.

Ewa Makai Middle School is an appropriate name for the school located in the Ewa Makai development and *Hoalauna*, which means “neighbor,” is an appropriate name for a park. In addition, many of the street names are Hawaiian words, so DPP supports a determination that this condition is fulfilled.

Condition 10 states:

Drainage Improvements. Petitioner, its successors, and assigns shall coordinate the design and construction of drainage improvements on the Property required as a result of the development of the Property to the satisfaction of Federal, State, and City agencies with the goal of executing an agreement on the interim and ultimate regional drainage plan as soon as possible. Petitioner, its successors and assigns shall participate in the planning and coordination of offsite improvements with all landowners and developers in the Kalo‘i drainage basin, and other Federal, State, and City agencies.

Ewa Makai D&O at 58.

Petitioners provided letters dated September 23, 2004, and October 26, 2006, from DPP accepting Petitioner’s Drainage Master Plan. Motion at Exh. 2. Therefore, DPP supports a determination that this condition is fulfilled.

Condition 11 states:

Regional Drainage Solutions. Petitioner, its successors, and assigns, agrees to work with the City to implement interim and long-term regional drainage solutions as follows:

- a. Petitioner shall submit an updated drainage master plan if required for the Property to the City for its review and approval prior to any subdivision approvals other than for minor matters, such as easements.
- b. Drainage solutions for the Property shall be compatible with the drainage designs for other developments in the Kalo‘i drainage basin and shall conform to applicable Federal, State, and City laws, rules, regulations, and standards.
- c. Drainage improvements for the Property shall be consistent with the policies and principles in the 'Ewa Development Plan.
- d. Petitioner shall be responsible for maintaining previously constructed drainage improvements which limit channelized runoff to 2,500 cubic feet per second at the Property's southern boundary (specifically at the property boundary between Petitioner's Property and Haseko's property) for events up to a 100-year storm.

Petitioner shall also take reasonable measures to minimize non-channelized flows from the Property by construction of berms, detention basins, or other appropriate methods. These requirements shall remain in force until long-range regional drainage improvements are in place in accordance with the approved drainage master plan for the Project.

e. Petitioner has or shall enter into a Letter Agreement with Hawaii Prince to mutually address the drainage issues as it pertains to the Hawaii Prince Golf Course.

Ewa Makai D&O at 58–59.

Petitioners provided letters dated September 23, 2004, and October 26, 2006, from DPP accepting Petitioner’s Drainage Master Plan. Motion at Exh. 2. Petitioner has also produced the Letter Agreement between Petitioner and the Hawaii Prince as required by the condition. Supplemental Memo at Exh. 14. Therefore, DPP supports a determination that this condition is fulfilled.

Condition 12 states:

Water Resources Allocation and Permits. Petitioner shall participate in the funding and construction of adequate water source, storage, and transmission facilities and improvements to accommodate the proposed Project. Water transmission facilities and improvements shall be coordinated and approved by appropriate State and County agencies.

Ewa Makai D&O at 59.

On July 15, 2025, DPP sought input from the Board of Water Supply (“BWS”) who confirmed that Petitioners have fulfilled Condition 12 because Petitioner has contributed to water facilities or paid water system facilities charges and completed the necessary projects. *See* Exh.

A. Therefore, DPP supports a determination that this condition is fulfilled.

Condition 13 states:

Avigation and Noise Easement. Petitioner shall grant to the State of Hawai’i an avigation (right of flight) and noise easement in a form prescribed by the State Department of Transportation of any portion of the Property subject to aircraft noise contours exceeding 55 Ldn.

Ewa Makai D&O at 60.

Petitioner has produced a letter dated October 26, 2010, to the State Department of Transportation that includes a Grant of Avigation and Noise Easement between Petitioner and the State. Motion at Exh. 1, Appendix 7. The easement was recorded on October 28, 2010. Supplemental Memo at Exh. 16. Petitioner has also submitted copies of the Grant of Avigation and Noise Easement filed in the Land Court System. *See Petitioner Gentry Investment Properties' Second Supplemental Memorandum in Support of Petitioner's Motion for an Order Releasing Conditions 1 Through 22* ("Second Supplemental Memorandum") at Exh. 23–32.

DPP supports a determination that this condition is fulfilled.

Condition 14 states:

Sound Attenuation. Petitioner shall not construct residential units within areas exposed to Honolulu International Airport and Naval Station Barbers Point noise levels of 65 Ldn or greater.

Ewa Makai D&O at 60.

Petitioner has constructed the residential portions of the Ewa Makai Development outside of the areas exposed to noise levels of 65 Lds or greater. *See* Motion at Exh. 1, Appendix 7.

Therefore, DPP supports a determination that this condition is fulfilled.

Condition 15 states:

Civil Defense Systems. Petitioner, developers and/or landowners of the Property shall fund and construct adequate solar powered civil defense systems as determined by the County and State Civil Defense agencies.

Ewa Makai D&O at 60.

The Hawai'i Department of Defense inspected the siren located in the Ewa Gentry project on or around August 10, 2005 and determined that the siren was acceptable. *See* Motion at Exh. 1, Appendix 8. Therefore, DPP supports a determination that the condition is fulfilled.

Condition 16 states:

Energy Conservation Measures. Petitioner shall implement energy conservation measures such as the use of solar energy and solar heating and incorporate such measures into the Project.

Ewa Makai D&O at 60.

Petitioner has incorporated energy conservation measures in its project including solar energy. *See* Supplemental Memo at Exh. 20. DPP supports a determination that this condition is fulfilled.

Condition 17 states:

Compliance with Representations to the Commission. Petitioner shall develop the Property in substantial compliance with the representations made to the Commission. Failure to develop the Property may result in reversion of the Property to its former classification, or change to a more appropriate classification.

Ewa Makai D&O at 60.

Petitioner has developed the Property in substantial compliance with the representations made to the LUC, so DPP supports a determination that this condition is fulfilled.

Condition 19 states:

Annual Reports. Petitioner shall timely provide without any prior notice, annual reports to the Commission, the Office of Planning, and the City and County Department of Planning and Permitting in connection with the status of the Project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

Ewa Makai D&O at 60.

Petitioner has submitted Annual Reports to the LUC since 2006, and the Annual Reports from 2008 are publicly available on the LUC's website. The Annual Reports were intended to update the LUC and interested government agencies on the progress of construction and ensure compliance with the conditions imposed by the LUC. Now that construction is complete,

Annual Reports on the status of development is no longer necessary, and DPP supports a determination that this condition is fulfilled.

Condition 21 states:

Recording of Conditions. Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement that the Property is subject to conditions imposed herein by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.

Ewa Makai D&O at 61.

Petitioner filed a statement that the Ewa Makai Development is subject to conditions imposed by the LUC on December 22, 2003, which is several days before the LUC adopted the Ewa Makai D&O. *See* Ewa Makai D&O at 62-63. On that basis, DPP supports a determination that this condition was fulfilled.

Condition 22 states:

Recording of Conditions. Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to section 15-15-92, Hawai'i Administrative Rules.

Ewa Makai D&O at 61.

Petitioner recorded the Declaration of Land Use Conditions on February 11, 2004, as Land Court Document No. 3068154, which has been provided to DPP. Motion at Exh. 1, Appendix 9. DPP supports a determination that this condition is fulfilled.

II. MOOT CONDITIONS

As to Conditions 6, 8, 9, and 18 DPP's position is that these conditions are moot because they were not triggered throughout the course of construction and the imposition of these conditions is no longer necessary.

Condition 6 states:

Archaeological Inventory Survey. Should any previously unidentified burials, archaeological or historic sites such as artifacts, marine shell concentrations, charcoal deposits, or stone platforms, pavings or walls be found, Petitioner, developers and/or landowners of the affected properties shall comply with all applicable statutory provisions of Chapter 6E, Hawai'i Revised Statutes, and administrative rules of the Department of Land and Natural Resources.

Ewa Makai D&O at 57.

Condition 6 requires Petitioner to comply with HRS Chapter 6E if it discovers any previously unidentified burials or other material with historic or archaeological significance.

Petitioner represents that it “did not encounter any archaeological resources” during the development of Ewa Makai. *See* Motion at 6. Therefore, this condition was never triggered.

DPP does not oppose the LUC releasing this condition. Petitioner cannot discover previously unidentified burials or other material because construction is complete. In addition, compliance with HRS 6E will continue to be a requirement because it is a statute.

Condition 8 states:

Solid Waste Management Plan. Petitioner shall develop a Solid Waste Management Plan in conformance with the Integrated Solid Waste Management Act, Chapter 342G, Hawai'i Revised Statutes. Petitioner's Solid Waste Management Plan shall be approved by the City and County of Honolulu Department of Environmental Services. The Plan shall address and encourage an awareness of the need to divert the maximum amount of waste material caused by developments away from the County's landfills.

Ewa Makai D&O at 57.

Condition 8 requires Petitioners to develop a Solid Waste Management Plan (“SWMP”) in conformance with HRS Chapter 342G. Under HRS Chapter 342G and Revised Ordinances of Honolulu (“ROH”) § 42-1.13(a), the Department of Environmental Services (“ENV”) prepares and submits an Integrated Solid Waste Management Plan for City Council’s Review, not Petitioners. ENV created and published an Integrated SWMP in 2019, and the SWMP applies to

the Ewa Makai development. *See* Exhibit B. Because there is an SWMP in place, DPP does not oppose the LUC releasing this condition.

Condition 9 states:

Air Quality Monitoring. Petitioner shall participate in an air quality monitoring program as specified by the State Department of Health.

Ewa Makai D&O at 58.

Petitioner has represented to DPP that the Department of Health did not require Petitioner's participation in an air quality monitoring program. DPP's understanding of this condition was to monitor air quality during construction. Fugitive dust and other air pollutants that result from construction are no longer a concern because construction is complete, so DPP does not oppose a release of this condition.

Condition 18 states:

Notice of Change to Ownership Interests. Petitioner shall give notice to the commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Property, prior to development of the Property

Ewa Makai D&O at 60–61.

Petitioner has maintained ownership in Ewa Makai through development. Construction is now complete, and this condition was never triggered. DPP does not oppose a release of this condition.

Condition 20 states:

Release of Conditions Imposed by the Commission. The Commission may fully or partially release the conditions provided herein as to all or any portion of the Property upon timely motion and upon the provision of adequate assurances of satisfaction of these conditions by Petitioner.

Ewa Makai D&O at 61.

Based on the analysis above, DPP is supportive of the LUC releasing all conditions imposed on the Ewa Makai development. The imposition of conditions on the development are no longer necessary because it is complete. If the LUC releases conditions 1 through 19, 21, and 22, then DPP supports a release of condition 20 as well.

III. CONCLUSION

In conclusion, development of Ewa Makai is complete, and the conditions have served the purpose of orderly and lawful development. Therefore, DPP supports a full release of conditions imposed by the Ewa Makai D&O.

DATED: Honolulu, Hawai'i, September 9, 2025.

DANA M.O. VIOLA
Corporation Counsel

By /s/ Pono I. Arias
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Attorneys for the City and County of Honolulu
Department of Planning and Permitting

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of

GENTRY INVESTMENT PROPERTIES,
A Hawai'i Limited Partnership

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9-1-10:7 And 9-1-69:5

DOCKET NO. A03-738

DECLARATION OF FRANZ KRAINTZ

DECLARATION OF FRANZ KRAINTZ

I, FRANZ KRAINTZ, do declare that the following is true and correct to the best of my knowledge, information and belief:

1. I have personal knowledge of, and am competent to make this Declaration, concerning the matters set forth below. Unless otherwise stated, all of the facts in this declaration are based on my own personal knowledge.

2. I am currently employed by the City and County of Honolulu Department of Planning and Permitting ("DPP") as a Planner VII and Branch Chief of the Community Planning Branch. I am a member of American Institute of Certified Planners, and have been a Planner with DPP for 10 years.

3. I am making this Declaration in support of the *City and County of Honolulu Department of Planning and Permitting's Statement in Support of Petitioner Gentry Investment Properties Motion for an Order Releasing Conditions 1 Through 22 in the Findings of Fact, Conclusions of Law and Decision and Order Dated and Filed on January 2, 2004.*

4. On July 15, 2025, I contacted the Board of Water Supply ("BWS") requesting its response to whether Condition 12 of the Findings of Fact, Conclusions of Law and Decision and Order dated and Filed January 2004 in Dkt. A03-738 ("Ewa D&O") is fulfilled.

5. Attached as Exhibit A is a copy of the letter that I received from BWS, dated August 4, 2025.


6. Pursuant to Hawai'i Revised Statutes ("HRS") Chapter 342G and ROH § 42-1.13(a), the Department of Environmental Services ("ENV") prepares an Integrated Solid Waste Management Plan for the City.

7. ENV published the Integrated Solid Waste Management Plan in November 2019.

8. The Integrated Solid Waste Management Plan is publicly available on the ENV website.

9. Attached as Exhibit B is a copy of the 2019 Integrated Solid Waste Management Plan I obtained from the ENV website.

DATED: Honolulu, Hawai'i, 5th of September 2025


FRANZ KRAINTZ

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of

GENTRY INVESTMENT PROPERTIES,
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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly served upon the
following AS INDICATED BELOW on September 9, 2025.

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DATED: Honolulu, Hawai'i, September 9, 2025.

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