

**OFFICE OF PLANNING AND  
SUSTAINABLE DEVELOPMENT**

Leiopapa a Kamehameha, Room 600  
235 South Beretania Street  
Honolulu, Hawaii 96813  
Telephone: (808) 587-2846  
Facsimile: (808) 587-2824



**BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII**

In the Matter of the Petition of	)	DOCKET NO. A03-738
	)	
GENTRY INVESTMENT PROPERTIES,	)	OFFICE OF PLANNING AND
A Hawaii Limited Partnership	)	SUSTAINABLE DEVELOPMENT'S
	)	RESPONSE TO PETITIONER'S MOTION
	)	FOR AN ORDER RELEASING
	)	CONDITIONS 1 THROUGH 22 IN THE
To Amend the Agricultural Land Use	)	FINDINGS OF FACT, CONCLUSIONS
District Boundary into the Urban Land Use	)	OF LAW, AND DECISION AND ORDER
District for Approximately 282.614 Acres of	)	DATED AND FILED ON JANUARY 2,
Land at Ewa, Oahu, Hawaii, TMK Nos.: (1)	)	2004; EXHIBITS A AND B;
9-1-10:07 and (1) 9-1-69:05	)	CERTIFICATE OF SERVICE
	)	
	)	

---

**OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT'S RESPONSE TO  
PETITIONER'S 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 Office of Planning and Sustainable Development ("OPSD") has no objection to 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 January 2, 2004 ("Motion") in this docket.

**I. BACKGROUND**

Through its January 2, 2004 Findings of Fact, Conclusions of Law, and Decision and Order ("2004 D&O"), the Land Use Commission ("LUC") reclassified approximately 282.614

acres of land from the State Agricultural District to the State Urban District for the establishment of the Ewa Makai residential development (“Development”) and imposed 22 conditions. The Ewa Makai development was completed in 2020 and consists of 632 single-family houses and 1,002 single-family condominiums, for a total of 1,634 dwelling units. The Development also consists of a middle school, a community recreation center complex, a church, a site for a future City and County of Honolulu (“City”) day care, and approximately 9.6 acres of park space.

## **II. RELEASE OF CONDITIONS**

Petitioner seeks release from the 2004 D&O’s 22 conditions, asserting that all the conditions have been satisfied. OPSD has no objection to the release of the 22 conditions but notes a request for additional documentation from the State Department of Transportation (“DOT”) with respect to Conditions 4 and 5. Several conditions directly affect State interests, specifically Conditions 2, 4, 5, 6, 7, 9, 13, 14, and 15. OPSD solicited comments from relevant State agencies by letter dated February 27, 2025, and copies of all letters sent and responses received are attached hereto as Exhibit A.

### **A. Satisfaction of Conditions Affecting State Interests**

Regarding Condition 2 – Public School Facilities, Petitioner provides the following as evidence of completion: 1) a July 23, 2003 Education Contribution Agreement for Gentry Ewa Makai between Petitioner and the State Department of Education (“DOE”) for the contribution of approximately 18 acres for a public middle school; and 2) a December 7, 2010 Warranty Deed conveying the middle school site to the State of Hawaii. *See* Motion, Exhibit 1, Appendices 4 and 6. OPSD solicited comments from DOE on the Motion but received no substantive comments as of this response. *See* Exhibit A. Based on the documents provided by Petitioner and the fact that the Ewa Makai Middle School is currently in operation, OPSD finds that Condition 2 has been satisfied. *See* City Department of Planning and Permitting’s (“DPP”) Statement in Support of the Motion (“DPP’s Statement”), p. 3.

Regarding Condition 4 – Transportation, Petitioner states that from October 30, 2002, through December 31, 2021, Petitioner paid a total of \$3,042,307.73 in impact fees toward Ewa highway improvements and received credits in the amount of \$1,641,384.00 (894 units) for the development of Kapolei Parkway. In addition, Petitioner asserts that it has undertaken mitigation measures required by DOT or DPP, such as roadway design layouts to enhance

connectivity, and has periodically made presentations at the Ewa Neighborhood Board and at other community meetings to provide updates on regional and local traffic improvements. *See* Motion, pp. 4-5. Petitioner has also provided a matrix of Ewa Regional Transportation Projects and an Ewa Makai – Public Roadway Dedication Status as further evidence of completion. *See* Petitioner’s Supplemental Memorandum in Support of the Motion (“Supplemental Memo”), Exhibits 5 and 6. After a request for further documentation, Petitioner additionally provided detailed spreadsheets documenting the impact fee credits, an example of DPP’s verification of such payments, and a spreadsheet listing the total amount of highway impact fees paid to the City each year from 2002 through 2024. A copy of the additional documentation is attached hereto as Exhibit B. Based on the documentation received and for the reasons set forth in Section II.B below, OPSD believes that Condition 4 has been satisfied.

Regarding Condition 5 – Landscaped Building Setback, Petitioner asserts that the 12-foot landscaped building setback along the Fort Weaver Road frontage has been provided and provides the Ewa Makai Plat Map West and Ewa Makai Plat Map East as evidence. *See* Motion, Exhibit 1; Supplemental Memo, Exhibits 7 and 8. Based on the maps provided and for the reasons set forth in Section II. B below, OPSD finds that Condition 5 has been satisfied.

Regarding Condition 6 – Archaeological Inventory Survey, Petitioner asserts that construction of the Ewa Makai development was completed in 2020, and no archaeological resources were encountered in the project area during the development. OPSD conducted a search on the State Historic Preservation Division’s Hawaii Cultural Resource Information System (“HICRIS”) database, and no archaeological resources were reported. Consequently, OPSD finds that Condition 6 has been satisfied.

Regarding Condition 7 – Historic Preservation Mitigation Plan, Petitioner states that it had discussions with the Office of Hawaiian Affairs’ Director of Education in 2010 who participated in the naming of the Ewa Makai Middle School. He also provided insight on the naming of Hoalauna Park, a private community park in Ewa by Gentry. *See* Motion, Exhibit 1. OPSD finds that Condition 7 has been satisfied.

Regarding Condition 9 – Air Quality Monitoring, Petitioner states that it consulted with the State Department of Health (“DOH”) to ensure the control of fugitive dust during construction and that air quality levels complied with DOH regulations. *See* Motion, Exhibit 1.

OPSD solicited comments from DOH on the Motion and DOH confirmed that Petitioner has satisfied the Condition. *See Exhibit A.* OPSD finds that Condition 9 has been satisfied.

Regarding Condition 13 – Avigation and Noise Easement, Petitioner states that it granted DOT avigation and noise easements for portions of the property that are subject to aircraft noise contours exceeding 55 Ldn and provided the easements as evidence. *See Motion, Exhibit 1, Appendix 7; Supplemental Memo, Exhibits 15, 16, and 17; Second Supplemental Memorandum in Support of the Motion, Exhibits 23 through 32.* OPSD finds that Condition 13 has been satisfied.

Regarding Condition 14 – Sound Attenuation, Petitioner states that no residential units were constructed within areas exposed to noise levels of 65 Ldn or greater. *See Motion, Exhibit 1.* DOT has confirmed that Conditions 13 and 14 have been satisfied. *See Exhibit A.* OPSD finds that Condition 14 has been satisfied.

Regarding Condition 15 – Civil Defense Systems, Petitioner states that it has constructed a solar-powered civil defense system in Ewa Makai-East in accordance with Oahu Civil Defense and State Civil Defense agencies. Petitioner provided a letter from the State Civil Defense Office stating that on August 5, 2005, the Area 19 siren was inspected and found to be acceptable. *See Motion, Exhibit 1.* OPSD solicited comments from the Hawaii Emergency Management Agency and did not receive a response. However, based on the August 5, 2005 letter of acceptance from the State Civil Defense Office, OPSD assumes that Condition 15 has been satisfied.

#### **B. DOT's Comments Regarding Conditions 4 and 5**

OPSD solicited comments from DOT on the Motion and DOT provided comments in a written memorandum dated April 9, 2005. *See Exhibit A.* DOT states that “At this time, both DPP and Petitioner have been unable to provide or substantiate to HDOT with completed verification of payments or improvement details cited in the Motion.” DOT recommends that Petitioner produce a documentation package as compliance evidence for the fulfillment of Conditions 4 and 5 to be submitted, accepted, and verified by DPP prior to submission to DOT for further review and comment.

While OPSD acknowledges and appreciates DOT's desire for accuracy and completeness of records, OPSD does not believe that, in this particular case, requiring further paperwork is necessary to determine that Conditions 4 and 5 have been satisfied. Notably, there has been no

indication that Petitioner has failed to fulfill any of its obligations under Conditions 4 or 5. DOT's letter acknowledges that the impact fees, credits, and road improvements have been processed through and managed by DPP. *See* Exhibit A. As such, DPP is the correct agency to determine and confirm whether these requirements have been completed, and reliance on DPP's confirmation is appropriate in this instance. DPP supports a determination that Conditions 4 and 5 have been fulfilled and has confirmed that Petitioner has paid its pro rata share of impact fees, undertaken required mitigative measures, and built the required 12-foot setback along Fort Weaver Road. *See* DPP's Statement, pp. 4-5.


OPSD must balance competing interests and considerations in representing the State's overall interest, and taking everything into consideration, OPSD supports the release of Conditions 4 and 5. OPSD is committed to the State's priority in increasing the inventory of affordable homes in Hawaii, and Petitioner has delivered affordable homes in this challenging environment while fulfilling its numerous obligations under the 2004 D&O. OPSD believes that imposing any further documentation requirements on Petitioner at this time, years after completion and acceptance by the City, would create an unnecessary burden.

### **III. OPSD'S RECOMMENDATION**

OPSD has no objection to the release of Conditions 1 through 22 and supports approval of the Motion. Regarding Conditions 4 and 5, OPSD notes DOT's concern regarding the sufficiency of documentation but supports a determination that the conditions have been fulfilled for the reasons stated above.

DATED: Honolulu, Hawaii, September 17, 2025.

OFFICE OF PLANNING AND  
SUSTAINABLE DEVELOPMENT  
STATE OF HAWAII



---

MARY ALICE EVANS  
DIRECTOR

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A03-738
	)	
GENTRY INVESTMENT PROPERTIES, A	)	CERTIFICATE OF SERVICE
Hawaii 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, Oahu, Hawaii, TMK Nos.: (1) 9-	)	
1-10:07 and (1) 9-1-69:05	)	
	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery, depositing the same in the U.S. Postal Service by regular mail, or by electronic mail.

BENJAMIN M. MATSUBARA, ESQ.  
CURTIS T. TABATA, ESQ.  
Matsubara, Kotake & Tabata  
888 Mililani Street, Suite 308  
Honolulu, Hawaii 96813

DAWN TAKEUCHI APUNA, DIRECTOR  
DINA WONG  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawaii 96813

BRAD TAMIO SAITO, ESQ.  
PONO ARIAS, ESQ.  
Deputies Corporation Counsel  
City and County of Honolulu  
Department of Corporation Counsel  
530 South King Street, Basement  
Honolulu, Hawaii 96813

J. DOUGLAS ING, ESQ.  
BRIAN A. KANG, ESQ.  
Watanabe Ing LLP  
999 Bishop Street, Suite 1250  
Honolulu, Hawaii 96813

MR. PETER D. KWAN, Vice President  
Haseko Construction Management Group, Inc.  
c/o Haseko Hawaii, Inc.  
91-1001 Kaimalie Street #205  
Ewa Beach, Hawaii 96706

DATED: Honolulu, Hawaii, September 17, 2025.

OFFICE OF PLANNING AND  
SUSTAINABLE DEVELOPMENT  
STATE OF HAWAII



---

MARY ALICE EVANS  
DIRECTOR