

STATE OF HAWAII LAND USE COMMISSION
MEETING IN-PERSON MEETING
SEPTEMBER 24, 2025

DATE: September 24, 2025
TIME: 9:30 a.m.
LOCATION: Airport Conference Center (In Hawaiian Airlines
Terminal Building), 400 Rodgers Blvd., 7th
Floor, IIT Suite 700, Room #1, Honolulu, HI 96819

FINAL

- I. CALL TO ORDER
- II. A03-738 Gentry Investment Properties (O'ahu)
To consider the Petitioner's Motion for an Order
Releasing Conditions 1 Through 22 in the Findings
of Fact, Conclusions of Law and Decision and Order
dated January 2, 2004. Files pertaining to this
docket are available at:
<https://luc.hawaii.gov/a03-738>
Parcel information: Tax Map Key: (1) 9-1-10:7 and
(1) 9-1-69:5. Approximately 282.614 acres located
in 'Ewa, O'ahu, State of Hawai'i
- III. Approval of Meeting Minutes for June 4, 2025
Meeting Minutes will be available at:
<https://luc.hawaii.gov/meetings/2020s>
- IV. Discussion and Action (if necessary) on
Modification to Executive Officer's Employment
Agreement
- V. Tentative Meeting Schedule
- VI. Adjournment

BEFORE:

PARTICIPANTS

LUC Commissioners

1. Brian Lee
2. Dan Giovanni
3. Mel Kahele
4. Michael Yamane
5. Ku'ike Kamakea-Ohelo
6. Myles Miyasato
7. Nancy Carr Smith
8. Bruce U'u

LUC Staff

1. Daniel Orodener, Executive Officer
 2. Martina Segura, Planner
 3. Ariana Kwan, Chief Clerk
 4. John Dubiel, Esq., Deputy Attorney General
- Office of Planning and Sustainable Development
("OPSD")
1. Alison Kato, Esq., Deputy Attorney General
 2. Aaron Setogawa, Planner
 3. Mary Alice Evans, Director
 4. Rachel Beasley, Planner

PARTICIPANTS (CONTINUED)

City & County of Honolulu, Department of Planning
and Permitting ("County")

1. Pono Arias, Esq., Corporation Counsel

2. Dina Wong

3. Franz Kraintz, Chief, Community Planning Branch

Gentry Investment Properties

1. Curtis Tabata, Esq., Counsel

2. Quentin Machida, Chief Executive Officer and
President of Gentry Homes, Ltd.

3. Brian Maja, Vice President of Engineering

4. Jon Kam, Vice President of Construction

5. Debra Luning, Director of Governmental Affairs
and Community Relations

6. Sunny Rosario, Manager of Governmental Affairs
and Community Relations

HAWAII STATE
LAND USE COMMISSION MEETING
HELD IN PERSON ON
WEDNESDAY, SEPTEMBER 24, 2025
9:30 A.M.

COMMISSIONER LEE: Aloha everyone, and
good morning. This is the September 24th, 2025,
Land Use Commission meeting.

This is an in-person meeting, which is
being held at the Airport Conference Center in the
Hawaiian Airlines Terminal Building at 400 Rodgers
Boulevard, 7th Floor, IIT Suite 700, Room number 1,
Honolulu, Hawaii.

This meeting is open to the public. For
all meeting participants, I would like to stress the
importance of speaking slowly, clearly, and directly
into your microphone, unlike what I did.

Before speaking, please state your name
and identify yourself for the record. Even though
this is an in-person meeting, please be aware that
all meeting participants are being recorded on the
digital record of this Zoom meeting, which will be
posted to YouTube and used for court reporting
purposes.

1 Your continued participation is your
2 implied consent to be part of the public record of
3 this event. If you do not wish to be part of the
4 public record, you should exit this meeting now.

5 I will also share with all participants
6 that we will take breaks from time to time, probably
7 every hour.

8 My name is Brian Lee from Oahu, and I will
9 be serving as Chair today. We currently have nine
10 seated commissioners, and along with me today are
11 two members from Oahu, Commissioner Mel Kahele and
12 Commissioner Ku'ikeokalani Kamakea-Ohelo. We have
13 one commissioner from Maui, Commissioner Bruce U'u,
14 and two members from Kauai, Commissioner Dan
15 Giovanni and Commissioner Michael Yamane.

16 We also have two commissioners from Hawaii
17 Island, Commissioner Nancy Carr Smith and
18 Commissioner Myles Miyasato.

19 Also in attendance is Land Use Commission
20 Executive Officer Daniel Orodener, LUC Staff
21 Planner Martina Segura, LUC Chief Clerk Ariana Kwan,
22 and the LUC Deputy Attorney General John Dubiel.

23 Again, court reporting transcriptions are
24 being done from this Zoom recording.

25 All right. This is to consider the

1 Petitioner's motion for an order releasing
2 conditions 1 through 22 in the Findings of Fact,
3 Conclusions of Law, and Decision and Order dated
4 January 2nd, 2004.

5 Will the parties please identify
6 themselves for the record?

7 Petitioner, will you please identify
8 yourself?

9 MR. TABATA: Thank you, Chair. Good
10 morning, Chair, Members of the Commission. Curtis
11 Tabata appearing on behalf of the Petitioner, Gentry
12 Investment Properties.

13 Also present with me today are Quentin
14 Machida, Chief Executive Officer and President of
15 Gentry Homes, Limited; Brian Maja, Vice President of
16 Engineering; Jon Kam, Vice President of
17 Construction; Debra Luning, Director of Governmental
18 Affairs and Community Relations; and Sunny Rosario,
19 Manager of Governmental Affairs and Community
20 Relations.

21 COMMISSIONER LEE: Thank you, Mr. Tabata.
22 City and County of Honolulu, please
23 identify yourself for the record.

24 MR. ARIAS: Aloha, Chair and
25 Commissioners. Pono Arias, Deputy Corporation

1 Counsel on behalf of the City and County of
2 Honolulu.

3 With me I have Franz Krintz and Dina
4 Wong, representatives from DPP.

5 COMMISSIONER LEE: Thank you.

6 Office of Planning and Sustainable
7 Development, please identify yourself for the
8 record.

9 MS. KATO: Good morning, Chair,
10 Commissioners. Alison Kato, Deputy Attorney General
11 for the Office of Planning and Sustainable
12 Development. Also here with me is Mary Alice Evans,
13 Director of OPSD, and Aaron Setogawa and Rachel
14 Beasley, OPSD Planners. Thank you.

15 COMMISSIONER LEE: Thank you.

16 Good morning again, Mr. Tabata. Have you
17 reviewed Hawaii Administrative Rules section 15-15-
18 45.1 regarding the reimbursement of hearing
19 expenses?

20 MR. TABATA: Yes, and we will comply.

21 COMMISSIONER LEE: Thank you.

22 So in accordance with Hawaii Revised
23 Statute section 84-14, commissioners are not allowed
24 to take any official action affecting a business in
25 which they or a member of their family has a

1 financial interest. They must therefore recuse
2 themselves from this matter if there is any benefit,
3 monetary or otherwise, to themselves or members of
4 their family.

5 Also in accordance with Legal Ethical
6 Standards, Commissioners should disclose any
7 relationship, business, social, or otherwise that
8 they may have with the Petitioner or its
9 representatives or any of the other parties to this
10 proceeding that may give rise to an allegation of
11 bias or impropriety.

12 Do any of the Commissioners have any
13 conflicts of interest or disclosures to make? Okay.
14 Seeing and hearing none, we will now move on.

15 Please let me briefly explain our
16 procedures for today. First, we'll recognize the
17 written public testimony that has been submitted on
18 this matter. Next, we will call for members of the
19 public who wish to provide oral testimony on this
20 matter. Next, the Staff Planner will give a
21 briefing on the Staff report that has been posted on
22 this docket. Next, the Petitioner will then be
23 called upon to make their presentation.

24 Then the Chair will call on the County
25 Planning Department and then OPSD for their

1 presentation and/or comments. The Commissioners
2 will have opportunities to ask questions of the
3 parties at the conclusion of each of their
4 presentations. Then the parties will be given an
5 opportunity for closing arguments.

6 I will then re-open the floor to the
7 public for any new and additional oral testimony on
8 this matter. And finally, the Commission will
9 deliberate on the matter based on the testimony and
10 evidence presented.

11 Now, we'd like to once again remind all
12 participants to speak slowly, clearly, and directly
13 into their microphones. And before speaking, please
14 state your name and identify yourself for the
15 record. This will ensure our transcriber can
16 produce an accurate transcript of these proceedings.

17 Are there any questions now about our
18 procedure for today?

19 MR. TABATA: No questions.

20 COMMISSIONER LEE: Okay, thank you.

21 MR. ARIAS: No questions.

22 COMMISSIONER LEE: Thank you.

23 MS. KATO: No questions. Thank you.

24 COMMISSIONER LEE: Thank you.

25 And as stated on today's agenda, please be

1 re-informed that the relevant documents pertaining
2 to this matter can be accessed for review on the LUC
3 website at LUC.Hawaii.gov/A03-738.

4 All right. We'll now recognize the
5 written public testimony submitted on this matter.

6 Ms. Kwan, has there been any written
7 testimony submitted on this matter?

8 MS. KWAN: Yes, Mr. Chair. We received
9 one written testimony on September 17th from Roseann
10 Freitas which has been posted to the website.

11 COMMISSIONER LEE: Thank you, Ms. Kwan.

12 Are there any members of the public that
13 wish to testify in this matter?

14 MS. KWAN: Seeing none at this time,
15 Chair.

16 COMMISSIONER LEE: Thank you, Ms. Kwan.

17 We will now call on Ms. Segura to please
18 summarize the Staff report for us, and any Staff
19 concerns.

20 MS. SEGURA: This is Martina Segura, for
21 the record. The Staff report was posted on the LUC
22 website on September 19, last week, Friday.

23 Specific Staff concerns and
24 recommendations. It's of Staff's belief that the
25 Petitioner has not provided adequate and substantial

1 or supportive evidence for conditions 4, 5, 8, and
2 10. The specific reasoning can be found on page 18
3 of the Staff report. This goes to specificities
4 pointed out in the conditions.

5 So if you have any questions, I can take
6 them now.

7 COMMISSIONER LEE: Okay. Any questions,
8 Commissioners? Okay. Hearing and seeing none,
9 Petitioner, will you now please provide your
10 presentation.

11 MR. TABATA: Thank you, Chair.

12 Just a brief background of Gentry. Gentry
13 Homes has been building homes in Hawaii since 1968.
14 In 1979, Gentry started building Waipio Gentry on
15 510 acres in Central Oahu. And over the years,
16 Gentry has built over 14,000 homes in Hawaii, along
17 with commercial and industrial developments.

18 The project we're here for today is called
19 Ewa Makai. And on January 2, 2004, the LUC
20 reclassified approximately 282.614 acres in Ewa,
21 Oahu, from the agricultural district to the urban
22 district for residential, commercial, and community
23 facilities.

24 If I may share a screen, Chair, I will
25 just have some orientation maps for the Commission

1 to review.

2 The location map of Oahu is our exhibit
3 37, and it shows the project location in Ewa.
4 Nearby communities are Barbers Point, Ewa Beach, and
5 Waipahu.

6 Exhibit 38 is a satellite map of our
7 project, Ewa Makai. Now, Ewa Makai, I should
8 explain. Ewa Makai is, like I say, 282 acres and
9 1,634 homes, all of which have been built and sold.
10 Full build out of Ewa Makai occurred in 2020.

11 Now, Ewa Makai is a part of a larger
12 project called Ewa by Gentry, and Ewa by Gentry is
13 1,283 acres consisting of approximately 8,500 homes
14 which should be built and sold out by the end of
15 this year. That's the expectation.

16 Now, going back to exhibit number 38,
17 which is a satellite photo of the project area and
18 the surrounding communities, we have -- to the south
19 of Ewa by Gentry we have Haseko's Ocean Pointe
20 project. To the north, which is up, you have the
21 other parts of Ewa by Gentry of which Ewa Makai is a
22 part of.

23 To the west, which is to the left, you
24 have Coral Creek Golf Course, and to the right,
25 which is the east, you have the Hawaii Prince Golf

1 Course. And on the far right you have Iroquois
2 Point, the entrance to Pearl Harbor. And the to the
3 far left you have, I believe that's the beginning of
4 Kapolei.

5 And that's -- that's the area we're
6 talking about today.

7 Now, we have 22 conditions for the
8 Commission to consider. So what my plan is, is to
9 just go through them one by one, in order. And so I
10 don't need to read every condition in its entirety
11 to you, I'm going to put it on screen, if that's
12 okay, Chair, and everybody can read it for
13 themselves.

14 So condition 1, condition 1 is the
15 affordable housing condition. And what it basically
16 requires us is to comply with all of the city
17 requirements for affordable housing. And what we've
18 done is we've attached an exhibit 2 to our exhibit
19 1. Exhibit 1 is our annual report, so our most
20 recent annual report is found at exhibit 1.

21 And at appendix 2 of exhibit 1 is the
22 affordable housing agreement between DPP and Gentry.
23 That's dated November 19th, 2004. The agreement was
24 amended by DPP's letter dated August 1st, 2007.

25 Appendix 3 of exhibit 1, our annual

1 report, is DPP's March 16th, 2020, letter
2 acknowledging fulfillment of the affordable housing
3 requirements and the agreement for Ewa by Gentry.
4 And Ewa by Gentry is the larger project which Ewa
5 Makai is a part of. So having fulfilled all of the
6 affordable housing requirements for Ewa by Gentry,
7 we also fulfilled all of the affordable housing
8 requirements for Ewa Makai.

9 And the breakdown of the affordable
10 housing units for Ewa by Gentry was 849 affordable
11 housing units for 80 percent area medium income --
12 median income. 1,397 affordable housing units
13 required for 120 percent AMI. 428 affordable
14 housing units required for 140 percent AMI. For a
15 total of 2,674 affordable housing units provided by
16 Ewa by Gentry.

17 And it was provided in, I believe, a
18 combination of credits and actual housing units, and
19 that satisfied condition 1.

20 For condition 2, the public schools
21 facilities condition, an agreement was reached with
22 the Department of Education and Gentry. That
23 agreement is found at appendix 4 of exhibit 1, and
24 what it provided for was the contribution of land.
25 Gentry was to provide 18 acres of land to the DOE,

1 State of Hawaii, for the construction of a new
2 middle school.

3 At appendix 5 of exhibit 1 we have the
4 Right of Entry Agreement which was dated in 2009.
5 And what that did was it allowed the DOE to enter
6 the land prior to the actual conveyance so they
7 could start construction of the middle school.

8 And at appendix 6 of exhibit 1 we have the
9 warranty deed that was dated in 2010, which actually
10 conveyed the 18 acres so that the DOE could have
11 their new middle school, and it was called -- today
12 it's called Ewa Makai Middle School. And that took
13 care of condition 2.

14 Condition 3 is wastewater facilities.
15 Exhibit 3 is the wastewater facilities, and what we
16 have in exhibit 3 is the Department of Environmental
17 Services acceptance of the Ewa by Gentry to
18 wastewater pump station, which is dated March 23,
19 2011.

20 And we've provided exhibit 4 which is
21 Gentry's payment for upgrades to Ewa Gentry, one
22 pump station. And these documents, these exhibits,
23 they show the satisfaction of condition 3.

24 Condition 4 is transportation. For the
25 transportation condition, we were required to

1 participate and fulfill all impact fee requirements.
2 So what there was in place, or is in place is the
3 Ewa Highway impact fee requirement, or program. And
4 Gentry paid a total, as of December 31st, 2023,
5 Gentry paid a total of \$3,275,479.73 for Ewa Highway
6 impact fees. And Gentry also received Ewa Highway
7 impact fee credits in the amount of \$1,641,384.

8 Now, these impact fees were calculated for
9 each building permit. This is my understanding,
10 that I'm sure DPP can correct me if I'm wrong on
11 this, but they're calculated at the times you apply
12 for a building permit, and full payment is required
13 before you are issued the building permit.

14 So given that program and its requirements
15 in place, the Petitioner, Gentry, having fully built
16 out Ewa by Gentry, has paid all of its impact fees
17 that were required.

18 As backup for our asserted numbers, we
19 have exhibit 5 which is Ewa Regional Transportation
20 Projects Matrix, which shows that Gentry was a
21 builder of a portion of Kapolei Parkway. The
22 credits we received was from building Kapolei, a
23 portion of Kapolei Parkway. That's where the
24 credits came from.

25 Exhibit 34 is Gentry's list of Ewa Highway

1 impact fee credits. That was earned as of July
2 12th, 2012. That was provided as a snapshot in
3 time, and it -- basically to show that these credits
4 were accounted for. It was part of our program, and
5 they were accumulated.

6 Exhibit 36 shows the total Ewa Highway
7 impact fees paid for Ewa by Gentry.

8 To discuss traffic mitigation that was
9 required under condition 4, we would like to call as
10 a witness, Brian Maja, Chair, if that's okay.

11 COMMISSIONER LEE: Yes. May I swear you
12 in, Mr. Maja? Okay. Please state your name and zip
13 code for the record, and proceed with your testimony
14 after I swear you in.

15 Mr. Maja, do you swear or affirm that the
16 testimony you're about to give is the truth?

17 MR. MAJA: Yes.

18 COMMISSIONER LEE: You will have two
19 minutes, unless there are questions. Please
20 proceed.

21 MR. MAJA: Yes. Thank you.

22 MR. TABATA: Thank you, Chair.

23 COMMISSIONER LEE: Please don't -- if you
24 have to speak longer than two minutes, please feel
25 free.

1 MR. MAJA: Thank you. It won't be.

2 MR. TABATA: Good morning, Brian.

3 MR. MAJA: Good morning.

4 MR. TABATA: Would you please state your
5 name -- well, please state your job title and the
6 name of your employer?

7 MR. MAJA: I am the Vice President of
8 Engineering for Gentry Homes, Limited.

9 MR. TABATA: And were there any traffic
10 mitigation measures that were required for Ewa Makai
11 by the Department of Transportation or the city?

12 MR. MAJA: Yes, there were. Most of them
13 were described in the Traffic Impact Analysis Report
14 that was done for the project.

15 MR. TABATA: And could you describe for us
16 what kind of mitigation measures were there?

17 MR. MAJA: Major measures included
18 extension of existing roadways such as like some of
19 the major ones were. There was Keaunui Drive which
20 is a north/south roadway on the east side of Fort
21 Weaver Road.

22 We extended Keaunui Drive to turn towards
23 the west, crossing Fort Weaver Road, and then
24 continued on to connect to Kapolei Parkway which is
25 a north/south corridor. So it provided better

1 traffic circulation there.

2 Other improvements that we did was Geiger
3 Road. We improved Geiger Road from Kapolei Parkway
4 towards the west to the entry to Kalaeloa. We also
5 constructed Kamakana Street from Geiger Road going
6 towards the south, and we provided connectivity to
7 Haseko's Ocean Pointe project.

8 We also installed traffic signals at
9 certain intersections. We also constructed two
10 roundabouts on Kamakana Street. These roundabouts
11 were not part of the traffic study, but the city
12 required us to put those in, which we did.

13 We also provided a pedestrian path from
14 our homes on the west side of Coral Creek Golf
15 Course that connected, provided a path from those
16 homes to Kapolei Parkway near the Ewa Makai Middle
17 School.

18 MR. TABATA: Thank you. And were those
19 mitigation measures approved?

20 MR. MAJA: Yes.

21 MR. TABATA: Thank you, Brian.

22 Brian, if you could wait for a second,
23 there may be questions from the other parties or the
24 commissioners. Thank you. Thank you, Chair.

25 COMMISSIONER LEE: Thank you, Mr. Tabata.

1 City and County of Honolulu, are there any
2 questions for this witness?

3 MR. ARIAS: One question. If you recall,
4 were you working with the Traffic Regroup Branch of
5 the Department of Planning and Permitting?

6 MR. MAJA: Yes.

7 MR. ARIAS: Thank you. No further
8 questions.

9 COMMISSIONER LEE: Thank you.

10 OPSD, are there any questions for this
11 witness?

12 MS. KATO: No questions. Thank you.

13 COMMISSIONER LEE: Thank you.

14 Commissioners, are there any questions for
15 this witness? Okay. Seeing none, Mr. Maja, thank
16 you for your testimony.

17 MR. MAJA: Thank you.

18 MR. TABATA: Chair, we'd also like to call
19 Debra Luning as our next witness in order to talk
20 about the Community Engagement, or condition 4.

21 COMMISSIONER LEE: Thank you, Mr. Tabata.

22 Mrs. Luning, please state your name and
23 zip code for the record.

24 MS. LUNING: My name is Debra Luning, zip
25 code 96813.

1 COMMISSIONER LEE: Okay. Let me swear you
2 in. Do you swear or affirm that the testimony
3 you're about to give is the truth?

4 MS. LUNING: Yes, I do.

5 COMMISSIONER LEE: Okay. Please proceed.

6 MR. TABATA: Thank you, Chair.

7 Good morning, Debbie.

8 MS. LUNING: Morning.

9 MR. TABATA: Please state your job title
10 and name of your employer.

11 MS. LUNING: My title is the Director of
12 Governmental Affairs and Community Relations. My
13 employer is Gentry Homes.

14 MR. TABATA: Did Gentry provide
15 presentations to the Ewa community to provide
16 transportation related updates?

17 MS. LUNING: Yes, we did.

18 MR. TABATA: And could you describe those
19 presentations?

20 MS. LUNING: Yes. They were periodic
21 presentations to the Ewa Neighborhood Board as well
22 as community meetings that were called by elected
23 officials. We made presentations to certain
24 organizations, like the West Oahu Economic
25 Development Association, Kapolei Rotary, et cetera.

1 MR. TABATA: And about how many of those
2 presentations do you think you gave over the years?

3 MS. LUNING: I would say, rough estimate,
4 maybe eight to ten of them. And in addition to
5 that, we did regularly attend the Ewa Neighborhood
6 Board meetings, and when questions would arise we'd
7 be there to answer any questions, or I'd be there.

8 MR. TABATA: And how often did you attend
9 the Ewa Neighborhood Board meetings?

10 MS. LUNING: I would say over the years,
11 maybe roughly half of the meetings that were
12 annually held.

13 MR. TABATA: Thank you. I have no further
14 questions at this time.

15 COMMISSIONER LEE: Thank you, Mr. Tabata.
16 City and County of Honolulu, any questions
17 for this witness?

18 MR. ARIAS: No questions.

19 COMMISSIONER LEE: OPSD, any questions for
20 this witness?

21 MS. KATO: No questions. Thank you.

22 COMMISSIONER LEE: Thank you.

23 Commissioners, are there any questions for
24 this witness? Yes, Commissioner Yamane.

25 COMMISSIONER YAMANE: Thank you, Mr.

1 Chair. Just questions on the eight to ten
2 presentations. Do you have dates of those meetings,
3 and any minutes or documentation to provide the Land
4 Use?

5 MS. LUNING: I do have copies of the
6 minutes of the Ewa Neighborhood Board. I could
7 provide you copies of my presentation itself. I
8 don't have the agendas anymore from the community
9 meetings because, you know, they happened a long
10 time ago. I did rummage through my files.

11 I can provide you with copies of all of
12 the Ewa Neighborhood Board meetings from a certain
13 period of time, as I went through their online
14 records of minutes that they kept.

15 COMMISSIONER YAMANE: What about the
16 presentations, the eight to ten presentations?
17 That's different from the Neighborhood meetings,
18 correct?

19 MS. LUNING: No, we did make presentations
20 to the Ewa Neighborhood Board.

21 COMMISSIONER YAMANE: Okay. So the eight
22 to ten presentations was part of being at the
23 Neighborhood meetings?

24 MS. LUNING: Yes.

25 COMMISSIONER YAMANE: Got it.

1 MS. LUNING: No, well, being present at
2 the Neighborhood Board meetings, that, you know,
3 those were over 50 percent of the meetings per year
4 probably, my guestimate. But during the span of
5 years, we did make several presentations to the Ewa
6 Neighborhood Board, specifically on Ewa by Gentry,
7 Ewa Makai, traffic improvements, just to give an
8 update of our project specifically.

9 COMMISSIONER YAMANE: Okay, thank you.

10 MS. LUNING: Though we were present to
11 answer any questions or to give updates if anybody
12 had any questions.

13 COMMISSIONER YAMANE: Okay. Thank you.

14 COMMISSIONER LEE: Thank you, Commissioner
15 Yamane.

16 Any further questions from Commissioners?
17 Okay. Mr. Tabata.

18 MR. TABATA: Thank you. Moving on to
19 condition 5, that's the landscape building setback.
20 And what this condition required was that for Fort
21 Weaver Road, which runs down the middle of the
22 project, maybe I should go back and show that
23 satellite map again.

24 So right down the middle of the project
25 you can see where my cursor is, there is -- this is

1 called Fort Weaver Road, and it's the major highway
2 in the area, okay. And what condition 5 does is it
3 requires a 12-foot buffer area on both sides of Fort
4 Weaver Road, where the project straddles Fort Weaver
5 Road. And that area needs to be landscaped.

6 Our exhibit 7 is the plat 144 map, which
7 is the west side, and it shows -- and it has the
8 feet, the width of this setback area is 15.25 feet,
9 and exhibit 8 is the other side of it, other side of
10 the street on the east side, plat 141, and it shows
11 the width to be 54.50 feet.

12 As far as the landscaping goes, we would
13 like to re-recall Brian Maja to testify about the
14 landscaping. Thank you.

15 COMMISSIONER LEE: Just to remind you,
16 you're still under oath, Mr. Maja.

17 MR. TABATA: Brian, are you familiar with
18 the landscape building setback for the Fort Weaver
19 Road frontage areas?

20 MR. MAJA: Yes, I am.

21 MR. TABATA: Are they landscaped?

22 MR. MAJA: Yes.

23 MR. TABATA: Could you please describe the
24 landscaping for the Commission?

25 MR. MAJA: The landscaping primarily

1 consists of grass and other types of ground cover.
2 There are some shrubs of various types, and trees,
3 numerous palm trees. I think there was a Hong Kong
4 orchid tree, maybe a plumeria tree or so.

5 MR. TABATA: Is the entire setback area
6 landscaped, or just a portion?

7 MR. MAJA: The entire area is landscaped.
8 I have photos that might help, if anybody wants
9 them.

10 MR. TABATA: Maybe during a break we can
11 have them circulated, if the Commission wants. We
12 did not have time to submit it as an exhibit, but
13 Mr. Maja does have photos of the landscape area.

14 I have no further questions for this
15 witness, Chair.

16 COMMISSIONER LEE: Okay, thank you. Thank
17 you, Mr. Maja.

18 Honolulu City and County, any questions
19 for this witness?

20 MR. ARIAS: No questions.

21 COMMISSIONER LEE: OPSD, any questions for
22 this witness?

23 MS. KATO: No questions. Thank you.

24 COMMISSIONER LEE: Okay, thank you.

25 Mr. Tabata.

1 MR. TABATA: Thank you, Chair.

2 Condition 6 is the Archeological Inventory
3 Survey Condition, and it required compliance with 6E
4 during the development of the project. Petitioner
5 did not encounter any archeological resources in the
6 project area during development of the project, so
7 nothing was found.

8 Condition 7, Historic Preservation
9 Mitigation Plan. We provided exhibits 10 and 11,
10 and these show that there were communications or
11 attempted communications with OHA to discuss the
12 naming of the middle school and a park so that we
13 could find the appropriate Hawaiian name for these
14 facilities.

15 And it was, after consultation and
16 discussion with various people, the new middle
17 school was named Ewa Makai Middle School, and the
18 private community park in Ewa by Gentry was named
19 Hoalauna Park.

20 Condition 8, moving on to condition 8,
21 condition 8 is the Solid Waste Management Plan. And
22 what condition 8 required of the Petitioner was to
23 develop a solid waste management plan in conformance
24 with HRS Chapter 342G, and have it approved by the
25 city.

1 Unfortunately, it was not possible for the
2 Petitioner to comply with this or to do exactly what
3 this condition was saying. First of all, Chapter
4 342G only applies to the counties. It does not
5 apply to the developers, so it was legally
6 impossible for us to do or to follow, comply with,
7 or to fulfill the actual language of HRS Chapter
8 342G.

9 And secondly, even if Gentry had wrote up
10 documents and called it the Integrated Solid Waste
11 Management Plan pursuant to 342G, my guess is the
12 County DPP would not have reviewed it or approved it
13 because there is no statutory authority granted to
14 DPP to do that.

15 However, Gentry implemented responsible
16 solid waste management practices anyway. That just
17 comes -- that's just natural, and what they did was
18 they implemented recycling and reusing of solid
19 waste materials, and utilized PVT Landfill.

20 Now, I think I'm getting a little ahead of
21 myself, but what DPP did when they filed their
22 position statement, they included exhibit B, and
23 what it is is the 2019 city Integrated Solid Waste
24 Management Plan, and it's a comprehensive document.
25 You can see it in your filings. It's a couple

1 inches thick.

2 And it provides the standards by which
3 solid waste needs to be managed on this island. And
4 a part of it addresses construction and demolition
5 debris, and that's the kind of solid waste a new
6 development will generate.

7 And to talk about that, we would like to
8 call as our next witness, Jon Kam, to testify about
9 Gentry's management of solid waste.

10 COMMISSIONER LEE: Okay. Thank you, Mr.
11 Tabata.

12 Mr. Kam, can I please swear you in?

13 MR. KAM: Yes.

14 COMMISSIONER LEE: All right. Do you
15 swear or affirm that the testimony you're about to
16 give is the truth?

17 MR. KAM: Yes, I do.

18 COMMISSIONER LEE: Okay. Please state
19 your name and zip code for the record, and proceed
20 with your testimony.

21 MR. KAM: My name is Jon Kam. My zip code
22 number is 96707.

23 MR. TABATA: Jon, could you please state
24 your job title and name of your employer?

25 MR. KAM: My job title is Vice President

1 of Construction for Gentry Homes.

2 MR. TABATA: Did Ewa Makai generate any
3 solid waste during development?

4 MR. KAM: Yes. We do generate solid waste
5 in the form of leftover materials during
6 construction.

7 MR. TABATA: And what about demolition
8 debris?

9 MR. KAM: No, because most of our sites,
10 all of our sites actually are green sites, so
11 there's no existing structures, so no demolition is
12 required.

13 MR. TABATA: Did Gentry recycle or reuse
14 any of its construction debris?

15 MR. KAM: The only thing that we do
16 recycle right now is our concrete, which is excess
17 material from our pours. That is then taken to a
18 recycling plant for reuse as aggregate products.

19 MR. TABATA: Thank you. And if there was
20 any construction debris that needed to be disposed
21 of, where was it disposed?

22 MR. KAM: It was transported to the PVT
23 Landfill by our vendors.

24 MR. TABATA: Thank you. I should point
25 out that the city's ISWMP requires that all disposal

1 of C&D, construction and demolition debris, be done
2 at the PVT Landfill, not the city's landfill.

3 Thank you, Jon. I have no further
4 questions at this time.

5 COMMISSIONER LEE: Thank you, Mr. Tabata.
6 City and County of Honolulu, any questions
7 for this witness?

8 MR. ARIAS: No questions.

9 COMMISSIONER LEE: Thank you.

10 OPSD, any questions for the witness?

11 MS. KATO: No questions. Thank you.

12 COMMISSIONER LEE: Commissioners, any
13 questions for this witness? Okay, thank you.

14 MR. KAM: Thank you, Chair.

15 MR. TABATA: Condition 9 is the air
16 quality monitoring condition, and luckily,
17 thankfully as a part of OPSD's position statement,
18 they provided their exhibit A. And their exhibit A
19 is an email dated April 4th, 2025, from the Clean
20 Air Branch of the State Department of Health.

21 And it states that, quote, after reviewing
22 the motion and our records for complaints or
23 enforcement actions on the listed TMK numbers, we
24 confirmed that condition 9, air quality monitoring,
25 has been satisfied. And we believe that shows

1 satisfaction of condition 9.

2 Condition 10, drainage improvements.

3 Exhibit 2 are the letters from DPP accepting the
4 drainage master plans for Ewa Makai East and Ewa
5 Makai West.

6 Ewa Makai East and Ewa Makai West, there's
7 a separation between the two, right, and what
8 separates the two is, I believe it's Fort Weaver
9 Road. And Fort Weaver Road separates east from
10 west, and for each side a drainage master plan was
11 done.

12 We would like to re-call Brian Maja to
13 testify about the drainage improvements, Chair.
14 Thank you.

15 Brian, were drainage improvements required
16 for Ewa Makai?

17 MR. MAJA: Yes, they were. The drainage
18 master plans that you spoke of earlier for Ewa Makai
19 East and Ewa Makai West outline the required
20 drainage improvements for the project.

21 MR. TABATA: And what kind of drainage
22 improvements were required in the drainage master
23 plans?

24 MR. MAJA: Besides the typical underground
25 drainage collection system, the major feature of the

1 drainage reports, or drainage master plans, were
2 what we call drainage detention basins.

3 They're basically large holes in the
4 ground that we dig to collect and hold stormwater
5 run-off.

6 MR. TABATA: And were these basins
7 constructed and approved?

8 MR. MAJA: Yes, they were.

9 MR. TABATA: Were there any applicable
10 federal or state requirements regarding drainage?

11 MR. MAJA: No federal requirements. We
12 did have to get what we call an NPDES permit during
13 construction of the basins, which we got from the
14 State Department of Health.

15 MR. TABATA: Thank you, Brian. I have no
16 more questions at this time.

17 COMMISSIONER LEE: Thank you.

18 City and County of Honolulu, any questions
19 for the witness?

20 MR. ARIAS: No questions.

21 COMMISSIONER LEE: OPSD, any questions for
22 the witness?

23 MS. KATO: No questions. Thank you.

24 COMMISSIONER LEE: Okay. Thank you, Mr.
25 Tabata. Thank you, Mr. Maja.

1 MR. TABATA: Condition 11 is the regional
2 drainage solutions. Now, the drainage master plans
3 for Ewa Makai contain all the required drainage
4 solutions that are legally required to be
5 constructed and approved.

6 And as stated in Gentry's annual report,
7 which is exhibit 1, Gentry participated in Kaloi
8 Gulch regional drainage meetings held by DPP, and it
9 was determined that drainage designs of all
10 developments in the Kaloi drainage basin conformed
11 with applicable federal, state, and city standards,
12 or city requirements.

13 In addition, Petitioner entered into an
14 agreement with Hawaii Prince Hotel in 2003 to
15 address the drainage issues between them, and that
16 agreement is exhibit 14.

17 For condition 12, condition 12 is water
18 resources allocation and permits. And attached to
19 DPP's position statement as exhibit A is a letter
20 from the Board of Water Supply for the City and
21 County of Honolulu. And the letter states that,
22 quote, the Board of Water Supply confirms that
23 Gentry Investment Properties, Ewa Makai, has
24 fulfilled condition 12 of the State Land Use
25 Commission docket number A03738, end quote. And we

1 believe that evidence is satisfaction of condition
2 12.

3 Condition 13 is the avigation and noise
4 easement. And the avigation and noise easements for
5 Ewa Makai and related documents are exhibits 15, 16,
6 and 17, and exhibits 23 through 32. And these
7 exhibits confirm the Petitioner's satisfaction of
8 condition 13.

9 For condition 14, sound attenuation, this
10 condition prohibits the construction of residential
11 units in areas exposed to Honolulu International
12 Airport and Naval Station Barbers Point noise levels
13 of 65 LDN or greater. Petitioner confirmed
14 satisfaction of this condition by showing that Ewa
15 Makai is located outside of prohibited areas as
16 shown on exhibit 18.

17 Condition 15 is Civil Defense. And our
18 Exhibit 19 is the Civil Defense letter dated August
19 10, 2005, stating that the siren for the project
20 passed the final inspection showing that Gentry
21 satisfied condition 15.

22 Condition 16 is the Energy Conservation
23 Measures condition. And we provided exhibit 20, and
24 that's a list of features that our homes have. And
25 what's included in that list of features is a list

1 of energy saving features that were incorporated in
2 the homes that Gentry built for Ewa Makai.

3 Condition 17 is compliance with
4 representations to the Commission. For that
5 condition, our exhibit 21 is the Ewa Makai Land Use
6 Plan in 2003. And exhibit 22 is the current Land
7 Use Plan showing, we believe, shows compliance with,
8 and satisfaction of, condition 17.

9 Condition 18 is the Notice of Change in
10 Ownership Interest. And there was no change in
11 ownership interest prior to development, so this
12 condition is satisfied or was never made applicable.

13 Condition 19 is annual reports, and Gentry
14 filed their annual reports and satisfied this
15 condition.

16 Condition 20 is the release of conditions
17 imposed by the Commission. And this motion is
18 requesting that release.

19 Condition 21 is the Notice of Imposition
20 of Condition. I believe it's the wrong title on the
21 screen there, but what it is is the Notice of
22 Imposition of Conditions. So within seven days of
23 getting your reclassification done and getting your
24 order, you have a short seven-day window to record a
25 quick notice saying, we have conditions.

1 And they're going to run with the land, so
2 you're putting the world on notice as soon as
3 possible about these new conditions, and we did
4 that. And that Notice of Imposition of Conditions
5 is attached as appendix 9 to exhibit 1.

6 Condition 22 is the recording of
7 conditions. So it takes a little bit of time to
8 write up this declaration of conditions and have it
9 recorded. So what it is is it's a declaration, and
10 it lists all the conditions, and it puts the world
11 on notice that the land is encumbered by these
12 conditions, and they run with the land.

13 So the Declaration of Land Use Conditions
14 is included in appendix 10 to exhibit 1, and was
15 recorded with the Bureau of Conveyances on February
16 11th, 2004. Since then their conditions have been
17 an encumbrance on the land affecting every land
18 owner in the petition area, including the homeowners
19 of the 1,634 units.

20 If the Commission releases all 22
21 conditions, then Gentry will record the release, and
22 those conditions will no longer be an encumbrance on
23 the land.

24 And that's all I have for my presentation,
25 Chair.

1 COMMISSIONER LEE: Thank you, Mr. Tabata.
2 Commissioners, do you have any questions
3 for the Petitioner? Seeing none, City and County of
4 Honolulu, any questions for the Petitioner?

5 MR. ARIAS: No questions.

6 COMMISSIONER LEE: OPSD, any questions for
7 the Petitioner?

8 MS. KATO: No questions. Thank you.

9 COMMISSIONER LEE: Okay. City and County
10 of Honolulu, you can now present any comments.

11 MR. ARIAS: Thank you, Chair.

12 As the Commissioners are aware, DPP
13 supports the release of the conditions. I think we
14 just wanted to address -- I think it would be most
15 efficient if we just address conditions 4, 5, 8, and
16 10.

17 As far as condition 4, Petitioner is
18 right, the impact fees are calculated by the
19 building permits, and DPP did a review of those and
20 confirmed that the numbers that Petitioner provided
21 were accurate.

22 As far as the landscape setback, I believe
23 the additional testimony provided today does provide
24 some evidence for this Commission to determine that
25 there is a landscape setback in that area, in

1 addition to the maps that were provided.

2 As far as the Solid Waste Management Plan,
3 this County did prepare a solid waste management
4 plan as was provided to the Commissioners. We'll
5 add that that plan is, I think, intended to be a
6 little more comprehensive than just construction,
7 but on top of their -- but that plan is now in
8 place.

9 And I believe the intent of that,
10 according to the Staff report, the intent of the
11 condition was to incorporate efficient waste
12 management and waste reduction strategies. And if
13 you look at the Solid Waste Management Plan you'll
14 see that there are strategies that the County is
15 implementing to ensure that that intent is met.

16 And then finally for the condition 10, I
17 believe that the additional testimony provided on
18 those issues did address some of the -- at least
19 these concerns. And then I'll also add that DPP did
20 do its due diligence in terms of working with
21 Petitioner, in terms of working with other city
22 agencies such as BWS to make sure that these
23 conditions were satisfied and met.

24 With that, nothing further.

25 COMMISSIONER LEE: Thank you, City and

1 County.

2 Commissioners, do you have any questions
3 for the City and County? Okay, seeing and hearing
4 none, thank you.

5 OPSD, please present your comments.

6 MS. KATO: Alison Kato, Deputy Attorney
7 General for OPSD. Consistent with our written
8 response, OPSD supports approval of Petitioner's
9 motion to release all conditions in this docket.

10 The development was completed several
11 years ago. It provided 1,634 residential units as
12 well as other necessary community facilities. And
13 based on Petitioner's presentation, the evidence
14 they've submitted, the testimony from the witnesses,
15 comments from state agencies and the city, and for
16 the reasons stated in written response, OPSD
17 believes that Petitioner has complied with all of
18 the requirements imposed on this project, and that
19 all conditions should be released.

20 As to those conditions that impact state
21 agencies, OPSD solicited comments from relevant
22 state agencies including the Department of
23 Education, Department of Health, Department of
24 Transportation, and HIEMA.

25 DOT did request further documentation with

1 respect to conditions 4 and 5, which prompted
2 Petitioner's third supplemental memo and the
3 additional testimony. And after further discussion
4 with DOT, DOT reviewed the additional submission and
5 they agree that conditions 4 and 5 should be
6 released.

7 They did note that for condition 5,
8 provided Petitioner confirms that the setback is
9 landscaped, which they did in their presentation.

10 OPSD just received email confirmation of
11 this from DOT thirty minutes ago, which we will
12 provide to the LUC.

13 Additionally, DPP is the appropriate
14 agency to determine whether those requirements have
15 been completed, and they've confirmed that those
16 conditions have been satisfied.

17 As such, OPSD does not believe any further
18 evidence is needed to release those conditions. I
19 won't be commenting on the other conditions as those
20 have been gone through already in detail, unless you
21 have any questions.

22 Mary Alice Evans from OPSD also has a few
23 comments. Please swear her in.

24 COMMISSIONER LEE: Thank you.

25 Director, I have to swear you in.

1 MS. EVANS: Yes.

2 COMMISSIONER LEE: Do you swear or affirm
3 that the testimony you're about to give is the
4 truth?

5 MS. EVANS: Yes, I do.

6 COMMISSIONER LEE: And I think I have to
7 ask her for the zip code and your -- just your name
8 and zip code.

9 MS. EVANS: Oh, excuse me, I am Mary Alice
10 Evans. Excuse me, I'm getting over a cold,
11 Commissioners. I'm the Director of the Office of
12 Planning and Sustainable Development for the State
13 of Hawaii, and my zip code is 96795, as one of your
14 Commissioners has.

15 I would like to -- this is to address a
16 policy issue rather than a legal issue, if you will
17 indulge me. Housing is Governor Green's top
18 priority for workforce families in the State of
19 Hawaii.

20 Gentry has provided quality homes for our
21 workforce families, and we believe that developers
22 that are willing to step forward to comply with
23 these conditions and to build homes, particularly in
24 this environment, which is tremendously challenging
25 because of mortgage interest rates and financing

1 interest rates, and of course additional costs for
2 materials that have incurred tariffs, we have to do
3 everything we can to support those developers in
4 following our state policies on increasing the
5 number of workforce homes as long as they are
6 consistent with project labor agreements and other
7 conditions that support the quality of life of our
8 workers.

9 So that's all I wanted to say. Thank you.

10 COMMISSIONER LEE: Thank you for your
11 comments.

12 Commissioners, are there any questions for
13 Director Evans? Okay. Seeing none, thank you.

14 All right. Ms. Kato, are you finished or
15 do you have any more comments?

16 MS. KATO: No further comments. Thank
17 you.

18 COMMISSIONER LEE: Okay. Thank you, Mrs.
19 Kato. And I'll ask again, are there any questions
20 for Mrs. Kato, Commissioners? Okay. Seeing none,
21 we're going to go with closing arguments.

22 So the Petitioner, do you have any final
23 comments you would like to make at this time?

24 MR. TABATA: Yes. Thank you, Chair.

25 In closing, we believe that the evidence

1 provided by Gentry, DPP, and OPSD constitutes
2 adequate, substantial, and sufficient evidence for
3 the release of all conditions including conditions 1
4 through 22, and that there is good cause for the
5 Commission to grant Petitioner's motion for an order
6 releasing conditions 1 through 22.

7 Thank you, Chair.

8 COMMISSIONER LEE: Thank you.

9 City and County of Honolulu, do you have
10 any closing arguments that you would like to make?

11 MR. ARIAS: As we previously stated, we
12 support release of the conditions. That's all.
13 Thank you.

14 COMMISSIONER LEE: Thank you.

15 OPSD, do you have any closing arguments
16 that you would like to make?

17 MS. KATO: No further comments. Thank
18 you.

19 COMMISSIONER LEE: Thank you.

20 Commissioners, do you have any final
21 questions or comments for the parties? Commissioner
22 U'u.

23 COMMISSIONER U'U: Yeah. I just wanted to
24 make a comment that as I read here, Findings of
25 Facts, Conclusions of Law, and Decision and Order,

1 dated and filed January 2nd, 2004, along with the 22
2 conditions that you guys adhered to, and as I sit
3 here as a new commissioner, second year, and I don't
4 think no one has come up before us and look at DBAs
5 to build housing.

6 And as we know, Maui's in dire need of
7 homes. We lost 2100 units at minimum in Lahaina. I
8 say that at minimum because most of them were multi-
9 families but I guess hitting as single family homes.

10 And we a fire last night in Paia and I
11 think we lost -- some homes might be, I know one was
12 lost, and we were evacuated from our house last
13 night, so I got home at about 10:00.

14 So as I see you guys navigating this
15 daunting process with 22 conditions and doing what
16 is needed for our people to remain and call this
17 place home, I commend you guys. No one has come in
18 up the last year and a half for DBA to build homes
19 in Maui.

20 It's been years, and part of it is us, the
21 Commission. I think, and I think we've got to make
22 one loud voice to say, hey, we welcome you guys in
23 to create homes for our people. That's how I see
24 it. That's how I view it.

25 Thank you for your time. Thank you for

1 your work. Thank you for providing homes. I
2 appreciate you guys, and I commend you guys. Good
3 job.

4 COMMISSIONER LEE: Thank you, Commissioner
5 U'u.

6 Any other comments from Commissioners?
7 Commissioner Nancy Carr Smith.

8 COMMISSIONER CARR SMITH: Thank you,
9 Chair.

10 I echo that. Thank you for the good work
11 in building all those homes. There were just two
12 things. I would love to see those photos of the
13 landscape, if we're going to take a break maybe,
14 before we vote. That would be great.

15 I appreciate all the testimony from your
16 witnesses, that was helpful.

17 The only other thing that I wasn't totally
18 clear about was on condition 10. In the Staff
19 report it says that there's nothing on the record
20 from government agencies that drainage improvements
21 identified in the master plan have in fact been
22 constructed.

23 And I think the testimony was that it's
24 been constructed, but is there any other evidence
25 that might have been overlooked that would have

1 caused the Staff to say that?

2 MR. TABATA: I believe that there was a --
3 there were regional meetings. I know this relates
4 to condition 11, but there were meetings held for
5 the entire basin, the Kaloi drainage basin. And
6 during this process everything had to be considered,
7 including federal and state requirements.

8 And the city has exclusive jurisdiction
9 over approval of these construction -- construction
10 of these drainage improvements, of these basins,
11 okay. So they require everything that needs to be
12 required. We rely on them for that, basically.

13 If there are any requirements, like Brian
14 testified to, there was an NPDES permit that was
15 required by the state in connection with the
16 drainage issues. So, and they got it. So the
17 overall process, we believe, takes into account any
18 applicable federal and state requirements.

19 And that word applicable is utilized in
20 both conditions 10 and 11. So it is not necessarily
21 that there are federal requirements or state
22 requirements that need to be checked off on, because
23 drainage is a city jurisdiction, and they take care
24 of those drainage issues.

25 So I think overall those factors took care

1 of what you're asking about.

2 COMMISSIONER CARR SMITH: Thank you, Mr.
3 Tabata.

4 May I ask City and County of Honolulu, can
5 you please confirm that the drainage improvements
6 identified in the master plan have in fact been
7 constructed?

8 MR. ARIAS: Thank you, Vice Chair. Yes,
9 they have been constructed. After approval of the
10 drainage master plan, DPP will, I don't know what
11 the right word is, but I guess inspect and review
12 development to make sure that it's built according
13 to the plans.

14 COMMISSIONER CARR SMITH: Thank you both.

15 COMMISSIONER LEE: Thank you, Commissioner
16 Carr Smith.

17 Any other questions from Commissioners?
18 Okay, seeing and hearing none, really appreciate the
19 thorough and diligent report from Ms. Segura and
20 Staff, and for doing their diligence. We really
21 appreciate them.

22 And I did look at Google Earth at that
23 intersection, and it did look like the landscaping
24 was there, but I think we are wise to follow up on
25 things like that and confirm.

1 We should now take a 10-minute break, and
2 then we'll come back for public testimony. Thank
3 You.

4 (WHEREUPON, a recess was taken.)

5 COMMISSIONER LEE: Okay. Thank you
6 everybody. We will now take our second round of
7 public testimony. Once again, are there any members
8 of the public who wish to provide new or additional
9 testimony on this matter? If so, please let the
10 chief clerk know.

11 So Ms. Kwan, are there any members of the
12 public who wish to provide new testimony on this
13 matter?

14 MS. KWAN: Seeing none, Chair.

15 COMMISSIONER LEE: Okay, thank you.

16 The Commission will now conduct formal
17 deliberations whether to accept or reject the
18 Petitioner's motion to release conditions presented
19 today.

20 I would note for the parties and the
21 public that during the Commission's deliberations,
22 we will not entertain additional input from the
23 parties or the public unless those individuals or
24 entities are specifically requested to do so by the
25 Chair. If called upon, we will ask that any

1 comments be limited to the question at hand.

2 So Commissioners, let me confirm that each
3 of you have reviewed the record and are prepared to
4 deliberate on this matter. After I call your name,
5 will you please signify with either aye or nay that
6 you are prepared to deliberate on this matter.

7 Vice Chair Carr Smith.

8 COMMISSIONER CARR SMITH: Aye.

9 COMMISSIONER LEE: Commissioner Giovanni.

10 COMMISSIONER GIOVANNI: Aye.

11 COMMISSIONER LEE: Commissioner Kahele.

12 COMMISSIONER KAHELE: Aye.

13 COMMISSIONER LEE: Commissioner Miyasato.

14 COMMISSIONER MIYASATO: Aye.

15 COMMISSIONER LEE: Commissioner U'u.

16 COMMISSIONER U'U: Aye.

17 COMMISSIONER LEE: Commissioner Yamane.

18 COMMISSIONER YAMANE: Aye.

19 COMMISSIONER LEE: And Commissioner
20 Kamakea-Ohelo.

21 COMMISSIONER KAMAKEA-OHELO: Aye.

22 COMMISSIONER LEE: I am also prepared to
23 deliberate on this matter.

24 Okay. Now, Commissioners, the Chair will
25 entertain any motion that the LUC accepts or rejects

1 the Petitioner's motion to release conditions 1
2 through 22.

3 COMMISSIONER KAHELE: Chair, I'm going to
4 make a motion that we release those conditions, and
5 make a couple of comments here. I live on the west
6 side of the island of Oahu. I know how things are
7 getting rough out there with finding housing,
8 workforce housing, affordable housing.

9 I would hope that instead of the 800-plus
10 homes that they're looking at being affordable, that
11 it would have been best in the 40 percent. 30
12 percent would have been better AMI, but, you know,
13 Petitioner filed in 2004, I believe. Been over 20
14 years, and I think they met most of the conditions,
15 if not all. OPSD don't have a problem, the city
16 don't have a problem.

17 And anyway, I make a motion that we
18 release those conditions. Thank you.

19 COMMISSIONER LEE: Thank you, Commissioner
20 Kahele. Commissioner Kahele has moved to make the
21 motion to release conditions 1 through 22. Is there
22 a second?

23 COMMISSIONER CARR SMITH: I'll second the
24 motion.

25 COMMISSIONER LEE: The motion is seconded

1 by Commissioner and Vice Chair Nancy Carr Smith.

2 Commissioners, is there any discussion?

3 Okay, seeing and hearing none, Mr. Orodenger, will
4 you please conduct the roll call vote?

5 MR. ORODENER: Thank you, Mr. Chair. The
6 motion is to grant the motion to release conditions
7 1 through 22.

8 Commissioner Kahele.

9 COMMISSIONER KAHELE: Aye.

10 MR. ORODENER: Commissioner Carr Smith.

11 COMMISSIONER CARR SMITH: Aye.

12 MR. ORODENER: Commissioner Hayashida is
13 absent.

14 Commissioner Kamakea-Ohelo.

15 COMMISSIONER KAMAKEA-OHELO: Aye.

16 MR. ORODENER: Commissioner U'u.

17 COMMISSIONER U'U: Aye.

18 MR. ORODENER: Commissioner Miyasato.

19 COMMISSIONER MIYASATO: Aye.

20 MR. ORODENER: Commissioner Yamane.

21 COMMISSIONER YAMANE: Aye.

22 MR. ORODENER: Commissioner Giovanni.

23 COMMISSIONER GIOVANNI: Aye.

24 MR. ORODENER: Chair Lee.

25 COMMISSIONER LEE: Aye.

1 MR. ORODENKER: Thank you, Mr. Chair. The
2 motion passes unanimously with eight votes.

3 COMMISSIONER LEE: Okay, thank you, Mr.
4 Orodenker. Thank you to the parties for all your
5 presentations, and please have a good rest of your
6 day. Thank you.

7 MR. TABATA: Thank you.

8 COMMISSIONER LEE: We're going to take a
9 couple minutes to let the parties excuse themselves,
10 and then we will reconvene.

11 (WHEREUPON, a recess was taken.)

12 COMMISSIONER LEE: We will reconvene our
13 meeting. The next agenda is item number 3, the
14 adoption of the June 4th, 2025, minutes.

15 Ms. Kwan, has there been any written
16 testimony submitted on the minutes?

17 MS. KWAN: No, Mr. Chair.

18 COMMISSIONER LEE: Thank you.

19 Are there any members of the public who
20 signed up to testify on the adoption of the June 4th
21 minutes?

22 MS. KWAN: No, Mr. Chair.

23 COMMISSIONER LEE: Commissioners, are
24 there any corrections or comments on the minutes?
25 Commissioner Yamane.

1 COMMISSIONER YAMANE: Mr. Chair, just for
2 the record, I wasn't present at that meeting so I
3 will not be voting on this.

4 COMMISSIONER LEE: Okay. Thank you,
5 Commissioner Yamane. Are there any other comments?
6 If not, is there a motion now to adopt the minutes
7 of the June 4th meeting?

8 COMMISSIONER U'U: Motion to adopt.

9 COMMISSIONER LEE: Commissioner U'u has
10 moved to adopt the minutes. Is there a second?

11 COMMISSIONER MIYASATO: Second.

12 COMMISSIONER LEE: Second, was that
13 Commissioner Miyasato?

14 COMMISSIONER MIYASATO: Yes.

15 COMMISSIONER LEE: Okay. Are there any
16 objections? All right. Then if not, the minutes
17 are adopted by unanimous consent. Thank you.

18 The next agenda item is item number 4, the
19 discussion and action if necessary on modification
20 to the Executive Officer's employment agreement. We
21 will now recognize any written public testimony
22 submitted in this matter.

23 Ms. Kwan, has there been any written
24 testimony submitted on this?

25 MS. KWAN: No, Mr. Chair.

1 COMMISSIONER LEE: Ms. Kwan, are there any
2 members of the public that wish to testify to this
3 agenda?

4 MS. KWAN: Not at this time, Chair.

5 COMMISSIONER LEE: Okay. Commissioners,
6 are there any proposed suggestions or modifications
7 to the Executive Officer's contract at this time?
8 Yes, Commissioner Miyasato.

9 COMMISSIONER MIYASATO: Chair, I'd like to
10 move that we go into Executive Session to consult
11 with our legal counsel on questions, issues
12 pertaining to the Board's powers to these
13 privileges, immunities, and liabilities.

14 COMMISSIONER LEE: Okay, thank you. Is
15 there a second?

16 COMMISSIONER U'U: Second.

17 COMMISSIONER LEE: The motion was made by
18 Commissioner Miyasato and seconded by Commissioner
19 U'u. Executive Officer, will you conduct the vote?
20 Okay. Is there any objection? If not, all in favor
21 say aye. Okay, we will enter into executive
22 session.

23 Also want to invite Ms. Kwan and Mr.
24 Orodenker, and we will excuse Ms. Segura, or you
25 want to be in here? Oh, I'm sorry. Okay. Ms.

1 Segura, do you want to be in this meeting? Okay.
2 We'll include Ms. Segura as well.

3 (WHEREUPON, Commission is in Executive
4 Session.)

5 COMMISSIONER LEE: Thank you, Ms. Segura.
6 Okay, so we are exiting Executive Session at 11:23
7 a.m., and we discussed elements of the employment
8 contract for the Executive Director with our Deputy
9 Attorney General.

10 All right. So at this time,
11 Commissioners, is there pleasure of anyone to make a
12 motion, or shall we continue? Okay, I don't hear
13 anything so we are now going to move to the next
14 agenda item.

15 Mr. Orodenker, will you review the
16 tentative meeting schedule?

17 MR. ORODENKER: Thank you, Mr. Chair.
18 Tomorrow we will be having a virtual Zoom
19 meeting at the State Office Tower for training on
20 environmental impact statements.

21 On October 22nd we have tentatively
22 scheduled a presentation on the speed task force by
23 Representative Ilagan.

24 On November 19th we will be on Maui for
25 the Ho'onani Development, LLC, matter.

1 And on December 3rd we will be on Kona for
2 the University Of The Nations Kona motion. And that
3 takes us through the end of the year.

4 COMMISSIONER LEE: Okay. Thank you, Mr.
5 Orodenger. Commissioners, do you have any
6 questions?

7 UNIDENTIFIED SPEAKER: (Inaudible).

8 MR. ORODENER: Ho'onani Development,
9 LLC, A25-811.

10 UNIDENTIFIED SPEAKER: (Inaudible).

11 MR. ORODENER: We're not -- that actually
12 is -- I think they're making a motion, but we
13 haven't seen it yet. That's why it's tentative.

14 COMMISSIONER LEE: Okay. Any other
15 questions? Okay, if not, thank you, Mr. Orodenger,
16 and thank you Ms. Kwan, Ms. Segura.

17 This concludes our meeting. Is there any
18 further business to discuss? Hearing none, this
19 meeting is now adjourned.

20 (WHEREUPON, the LAND USE COMMISSION
21 MEETING adjourned.)

CERTIFICATE

I, Michelle Breezee, do hereby certify that the proceeding named herein was professionally transcribed on the date set forth in the certificate herein; that I transcribed all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true, and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand this 15th day of October, 2025.

A handwritten signature in cursive script that reads "Michelle Breezee".

Michelle Breezee