

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 322 B and C
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

approved
1/29/94

January 13, 1994

COMMISSIONERS PRESENT: Karen S. Ahn
JoAnn Mattson
Allen K. Hoe (Portion of Proceeding)
Elton Wada
Lloyd Kawakami
Delmond J.H. Won (Portion of
Proceeding)
Eusebio Lapenia, Jr. (Portion of
Proceeding)

COMMISSIONERS ABSENT: Trudy K. Senda
Renton L.K. Nip

STAFF PRESENT: Esther Ueda, Executive Officer
Winfred Pong, Esq.,
Deputy Attorney General
Russell Suzuki, Esq., Deputy
Attorney General
Leo Asuncion, Staff Planner
Kathy Murakami, Staff Planner
Darlene Kinoshita, Chief Clerk

Evelyn Miyata, Court Reporter

Presiding Officer Ahn called the meeting to order.

Commissioner Hoe was absent from the proceeding at this
time.

ACTION

A89-651 - HASEKO (HAWAII), INC, (Oahu)

Presiding Officer Ahn announced that the Commission would take action to consider Petitioner's Motion for Approval of Job Credits under Condition No. 1 of the Findings of Fact, Conclusions of Law and Decision and Order filed on October 17, 1990, which reclassified approximately 403.008 acres of land from the Agricultural District into the Urban District at

Honouliuli, Ewa, Oahu for specialty hotels and garden suite hotels, an international fitness and conditioning center, a golf course, a tennis complex, and various retail shops, restaurants, and professional offices and to consider Petitioner's Motion for Clarification and/or Modification of Condition No. 1 of the Decision and Order filed on October 17, 1990.

Appearances

Steven Chung, Esq., Attorney for Petitioner

Yvonne Isu, Esq., Attorney for Petitioner

Frances Mossman, Planning Department, City and County of Honolulu

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Arguments on the Motion for Approval of Job Credits under Condition No. 1 were heard from Mr. Chung, Ms. Mossman, and Mr. Eichor.

Commissioner Hoe joined the proceeding at this time.

Commissioner Won moved to go into executive session to consult with our Deputy Attorney General on legal matters. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

Arguments on the Motion for Clarification and/or Modification of Condition No. 1 were heard from Mr. Chung, Ms. Mossman, and Mr. Mitsuda.

Commissioner Won moved to modify Condition No. 1 of the Decision and Order filed October 17, 1990 on Docket No. A89-651 - Haseko (Hawaii), Inc.

Condition No. 1, second paragraph as amended:
"Satisfaction of this condition shall occur at the time Petitioner obtains a building permit and may be accomplished by

the payment of \$25,000 for each hotel or hotel/condominium unit intended for transient accommodation for which a building permit is issued or in the following manner (provided that, with respect to subparagraphs a. and b., below, Petitioner may not apply any credit accrued and earned under both subparagraphs for the same facility to satisfy this condition):"

Condition No. 1, subsection d, third paragraph:
"Petitioner may file a motion for approval of job credits with the LUC at such time as may be mutually agreeable between Petitioner and OSP, provided that said motion shall be filed prior to the Petitioner obtaining a building permit for the construction of hotel or hotel/condominium units to which the job credits will be applied."

The motion was seconded by Commissioner Mattson and polled as follows:

Ayes: Commissioners Won, Hoe, Kawakami, Mattson, Wada, and Ahn.

There were no objections to the Commission's modification of Condition No. 1 by parties.

Commissioner Won moved to approve Petitioner's Motion to earn 2.47 job credits as to Condition No. 1 as modified by the Commission. The motion was seconded by Commission Wada and polled as follows:

Ayes: Commissioners Won, Kawakami, Mattson, Wada, Hoe, and Ahn.

A93-701 - KAUPULEHU DEVELOPMENTS (Hawaii)

Presiding Officer Ahn announced that the Commission would take action to determine whether the anticipated effects discussed in Petitioner's Draft Environmental Assessment to reclassify approximately 1,000 acres of land currently in the Conservation District into the Urban District at Kaupulehu, North Kona, Hawaii for residential, 36-hole golf course and clubhouse, commercial center, archaeological preservation, ocean club, and public park space and large shoreline park constitutes a "significant effect" pursuant to Chapter 343, H.R.S.

Appearances

R. Ben Tsukazaki, Esq., Attorney for Petitioner

Rick Eichor, Esq., Deputy Attorney General, Office of
State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

The Planning Department, County of Hawaii, indicated by
phone that they would not be appearing at this meeting.

Kathy Murakami, staff planner, oriented the Commission
to the area of concern on the Land Use District Boundaries and
tax maps.

Arguments were heard from Mr. Tsukazaki and Mr. Eichor.

Commissioner Wada moved that on Docket No. A93-701 -
Kaupulehu Developments, Petitioner be required to prepare an
Environmental Impact Statement. The motion was seconded by
Commissioner Won and polled as follows:

Ayes: Commissioners Wada, Mattson, Won, Hoe, Kawakami,
and Ahn.

CONTINUED HEARING

A92-678 - LUINAKOA DEVELOPMENT (Oahu)

Presiding Officer Ahn announced that the present matter
before the Commission is a continuation of the hearing
previously held on December 2 and 3, 1993.

Appearances

Jan Sullivan, Esq., Attorney for Petitioner

Frances Mossman, Planning Department, City and County
of Honolulu

Rick Eichor, Esq., Deputy Attorney General, Office of
State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Rodney Uchida, Esq., Attorney for Intervenor
Brian Choy, Esq., Attorney for Intervenor
John Ishihara, for Ainakoa Community Association

PETITIONER'S WITNESSES

1. Richard Fewell
2. Paul Cleghorn
3. Eric Guinther

A lunch recess was taken at 11:30 a.m. to reconvene at
1:00 p.m.

-1:00 p.m. -

Commissioners Hoe and Won were absent from the
proceeding at this time. Commissioner Lapenia joined the
proceeding at this time.

COUNTY'S WITNESS

1. C. Michael Street

PETITIONER'S WITNESS (Continued)

4. Berna Cabacungan
5. William Hee

The meeting was adjourned at 3:30 p.m.