

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

LAND USE COMMISSION  
 STATE OF HAWAII  
 2013 AUG 20 P 3: 23

In the Matter of the Petition of	)	DOCKET NO. A92-683
	)	
HALEKUA DEVELOPMENT	)	OFFICE OF PLANNING'S
CORPORATION	)	RESPONSE TO PETITIONER'S
	)	MOTION FOR ORDER AMENDING
To amend the Agricultural Land Use District	)	THE AMENDED FINDINGS OF FACT,
Boundary into the Urban Land Use District	)	CONCLUSIONS OF LAW, AND
for Approximately 503.886 Acres of Land at	)	DECISION AND ORDER FILED
Waikele and Hoaeae, Ewa, Oahu, City and	)	OCTOBER 1, 1996 ; EXHIBIT "A";
County of Honolulu, State of Hawaii, Tax	)	CERTIFICATE OF SERVICE
Map Key No.(1) 9-4-02:1, portion of 52, 70,	)	
and 71	)	

**OFFICE OF PLANNING'S RESPONSE TO PETITIONER'S MOTION FOR ORDER  
 AMENDING THE AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND  
 DECISION AND ORDER FILED OCTOBER 1, 1996**

The Office of Planning ("OP") finds that the proposed revisions to Condition No. 2 in the Second Supplement are consistent with the intent of the original Decision and Order and clarify and update Petitioner's responsibilities for implementing transportation improvements. OP requests, however, that the Findings of Fact in the 1996 Decision and Order be amended to reflect the concerns of the State Department of Transportation ("DOT").

The proposed revisions to Condition No. 2 do the following: (1) clarify that improvements north of the Cane Haul Road intersection with Kunia Road (which lies just north or mauka of the H-1 westbound off-ramp) are considered local improvements and that improvements south of the Cane Haul Road intersection are considered regional improvements; (2) allow for interim measures as a means of allowing Royal Kunia Phase II to begin

construction while still ensuring concurrency between improvements and development; and (3) update Condition No. 2 to address the revised Traffic Impact Study and Kunia Interchange Alternative Report to be submitted to DOT in the near future.

OP consulted with the DOT regarding the Petitioner's proposed amendments and the submitted Traffic Impact Study. DOT has no objection to the proposed amendments, and its comments regarding the Second Supplement to the Motion are provided in their memorandum dated August 19, 2013, attached hereto as Exhibit "A".

Based on the comments by the DOT, an additional Finding of Fact ("FOF") 160A and a revised FOF 161A are proposed to support the amendment to Condition No. 2 (new text is underlined, deletions in brackets and struck through):

"FOF 160A. The State Department of Transportation ("DOT") has clarified Petitioner's responsibilities for local and regional transportation improvements and further analysis of the transportation systems in the area as follows:

- A. All improvements required to mitigate the impacts of the proposed development north of the Cane Haul Road intersection with Kunia Road to the northernmost boundary of Royal Kunia Phase II, i.e., at the northern boundary of the State Agricultural Park, would be considered as local or direct transportation mitigation improvements to be provided by Petitioner at no cost to the State. All improvements including but not limited to the Interstate H-1 Kunia Interchange and Kunia Road, south of the intersection with the Cane Haul Road would be considered regional transportation mitigation improvements for which Petitioner would provide its pro rata share contribution.
  
- B. Petitioner has proposed a temporary third northbound lane as an interim measure to allow the Petitioner to proceed with the project. Petitioner has agreed to provide an analysis of traffic projections for each lane and turning movement on Kunia Road at its intersections with South Kupuna Loop and North Kupuna Loop based on existing 2013 traffic counts to validate that an interim third northbound

shared through/right turn lane on Kunia Road at South Kupuna Loop will be operationally acceptable to DOT up to a specified trip generation threshold of the project based on the number of dwelling units and/or applicable units developed for light industrial or business use. If the analysis is acceptable to DOT, Petitioner agrees to fund, design and construct the interim third northbound lane on Kunia Road between the Cane Haul Road intersection and North Kupuna Loop intersection, prior to the issuance of any building permit for Royal Kunia Phase II.

- C. DOT requires Petitioner to provide a permanent third northbound through lane with a dedicated right-turn lane into South Kupuna Loop and North Kupuna Loop when the Royal Kunia Phase II development reaches the specified threshold for the interim third northbound lane. The interim and permanent third northbound lanes should both be consistent with the revised Traffic Impact Study (“TIS”) that includes the Kunia Interchange Alternatives Report and that is acceptable to DOT. Petitioner will be required to identify constraints and show that the proposed mitigative improvements are constructible and feasible.
- D. Petitioner will complete the analysis of the entire transportation system in the area, including the Interstate H-1 Kunia Interchange and Kunia Road north of the Kunia Interchange to the northernmost boundary of Royal Kunia Phase II, in order for DOT and Petitioner to identify and determine the regional and local transportation impacts and required mitigation improvements.
- E. Petitioner will complete the Kunia Interchange Alternatives Report, as part of the revised TIS, to analyze the impacts of the proposed Phase II project’s traffic on the Kunia Interchange and evaluate alternatives that will mitigate the impacts.

FOF 161. The [~~State Department of Transportation (“DOT”)] DOT comments that Petitioner should be required to provide the following:~~

- A. All of the other improvements needed (which will not be provided by the Village Park and Royal Kunia, Phase I projects) to make Kunia Road a 4-lane highway with auxiliary lanes for both left and right turning movements (between [~~Kunia Interchange~~] Cane Haul Road Intersection and the northernmost boundary of Royal Kunia, Phase II) and a third northbound lane between [~~Kunia Interchange~~] Cane Haul Road Intersection and the north Kupuna Loop Intersection.”

### CONCLUSION

Provided that the amendments to the Findings of Fact proposed by DOT and OP are incorporated in the amended Decision and Order, OP has no opposition to the proposed modifications to Condition No. 2 as stated in Petitioner’s Second Supplement to the Motion.

DATED: Honolulu, Hawaii this 20th day of August 2013.

OFFICE OF PLANNING  
STATE OF HAWAII



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JESSE K. SOUKI

Director



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DEPARTMENT OF TRANSPORTATION  
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DIR 1058  
HWY-PS 2.5356

August 19, 2013

**TO:** JESSE K. SOUKI, DIRECTOR  
OFFICE OF PLANNING  
DEPARTMENT OF BUSINESS ECONOMIC DEVELOPMENT AND TOURISM

**FROM:** GLENN M. OKIMOTO, PH.D. *Glenn M. Okimoto*  
DIRECTOR OF TRANSPORTATION

**SUBJECT:** SECOND SUPPLEMENT TO MOTION FOR ORDER AMENDING THE AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER FILED OCTOBER 1, 1996, LAND USE COMMISSION DOCKET NO. A92-683, HALEKUA DEVELOPMENT CORPORATION, REQUEST TO MODIFY CONDITION 2, KUNIA, EWA, OAHU, TMK: (1) 9-4-002:001, POR. 52, 70, AND 71

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Thank you for the opportunity to respond to the subject motion from Petitioner, Canpartners IV Royal Kunia Property LLC. The Petitioner filed the Second Supplement to Motion for Order Amending the Amended Findings of Fact, Conclusions of Law, and Decision and Order, dated August 13, 2013, which replaces the Motion for Order filed on July 15, 2013, and that requests that Condition 2 of the subject Decision and Order (D & O) be modified.

The Department of Transportation (DOT) has no objections to the Petitioner's proposed modifications to Condition 2 in the D & O of the 1996 Land Use Commission Docket A92-683, as presented in the Second Supplement to the Motion.

DOT has the following comments:

1. Petitioner and DOT have discussed and clarified Petitioner's responsibilities for local and regional transportation improvements. All improvements required to mitigate the impacts of the proposed development north of the Cane Haul Road intersection with Kunia Road to the northernmost boundary of Royal Kunia Phase II, i.e., at the northern boundary of the State Agricultural Park, would be considered as local or direct transportation mitigation improvements to be provided by Petitioner at no cost to the State. All improvements including but not limited to the Interstate H-1 Kunia Interchange and Kunia Road, south of the intersection with the Cane Haul Road would be considered regional transportation mitigation improvements for which Petitioner would provide its' pro rata share contribution.
2. Petitioner has proposed a temporary third northbound lane as an interim measure to allow the Petitioner to proceed with the project. Petitioner has agreed to provide an analysis of traffic projections for each lane and turning movement on Kunia Road at its intersections with South Kupuna Loop and North Kupuna Loop based on existing 2013 traffic counts to validate that an interim third northbound shared through/right turn lane on Kunia Road at South Kupuna Loop will be operationally acceptable to DOT up to a specified trip generation threshold of the project

Exhibit A

based on the number of dwelling units and/or applicable units developed for light industrial or business use. If the analysis is acceptable to DOT, Petitioner agrees to fund, design and construct the interim third northbound lane on Kunia Road between the Cane Haul Road intersection and North Kupuna Loop intersection, prior to the issuance of any building permit for Royal Kunia Phase II.

3. DOT requires Petitioner to provide a permanent third northbound through lane with a dedicated right-turn lane into South Kupuna Loop and North Kupuna Loop when the Royal Kunia Phase II development reaches the specified threshold for the interim third northbound lane. The interim and permanent third northbound lanes should both be consistent with the revised Traffic Impact Study (TIS) that includes the Kunia Interchange Alternatives Report and that is acceptable to DOT. Petitioner is required to identify constraints and show that the proposed mitigative improvements are constructible and feasible.
4. Petitioner should complete the analysis of the entire transportation system in the area, including the Interstate H-1 Kunia Interchange and Kunia Road north of the Kunia Interchange to the northernmost boundary of Royal Kunia Phase II, in order for DOT and Petitioner to identify and determine the regional and local transportation impacts and required mitigation improvements.
5. Petitioner should complete the Kunia Interchange Alternatives Report, as part of the revised TIS, that "analyzes the impacts of the proposed Phase II project's traffic on the Kunia Interchange and evaluate alternatives that will mitigate the impacts", as stated in Condition 2.B of the D & O.
6. DOT recommends that the language in Finding of Fact 161 in the Amended Findings of Fact section of Land Use Commission Docket No. A92-683, be modified as follows to be consistent with Petitioner's proposed modification to Condition 2A, where the strikeout portion shows the deletion and the underlined portion show the addition:
  - "A. All of the other improvements needed (which will not be provided by the Village Park and Royal Kunia, Phase I projects) to make Kunia Road a 4-lane highway with auxiliary lanes for both left and right turning movements (between [~~Kunia Interchange~~] Cane Haul Road Intersection and the northernmost boundary of Royal Kunia, Phase II) and a third northbound lane between [~~Kunia Interchange~~] Cane Haul Road Intersection and the north Kupuna Loop Intersection."

If you have any questions, please contact Ken Tatsuguchi, Head Planning Engineer, Highways Division, Planning Branch, at 587-1830.

c: STP, HWY-D, -T, -PS (13-146)

AW:emk

Docket No. A92-683

**CERTIFICATE OF SERVICE**

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

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DATED: Honolulu, Hawaii, this 20th day of August 2013.



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JESSE K. SOUKI  
Director  
Office of Planning