

DAVID Y. IGE
GOVERNOR



RUSSELL A. SUZUKI
ATTORNEY GENERAL
STATE OF HAWAII
DANA O. VIOLA
FIRST DEPUTY ATTORNEY GENERAL
2018 OCT 19 AM 11:05

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
COMMERCE AND ECONOMIC DEVELOPMENT DIVISION
425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1180

October 19, 2018

Jonathan Likeke Scheuer – Chair
Hawaii State Land Use Commission
235 S. Beretania Street, #406
Honolulu, HI 96813

RE: Request for Extension of Time to Respond to Petitioner’s Motion for Modification, dated October 12, 2018; and Intervenor’s Motions to Approve Sale of a Portion of the Petition Area, to Allow Subdivision of Petition Area, and to Bifurcate, dated October 12, 2018;
Docket No. A07-773/Emmanuel Lutheran Church of Maui

Dear Mr. Scheuer:

Pursuant to section 15-15-42, Hawaii Administrative Rules, and the Land Use Commission’s (Commission) oral decision on May 9, 2018, the Office of Planning (“OP”) respectfully requests that the hearing on the various motions in Emmanuel Lutheran Church of Maui (ELC), Docket No. A07-773 not be heard until November 29, 2018, and that the parties have until November 21, 2018 to file their responses.

On May 9, 2018, the Commission continued ELC’s motion for an extension of time to complete their project for six months, required ELC and Intervenor Waikapu Development Venture (WDV) to submit a timetable sixty (60) days before the continued hearing, and authorized the chair to reasonably extend the hearing date.

On October 12, 2018, Emmanuel Lutheran Church (ELC) filed a motion for modification, which included its timetable. On that same day, Waikapu Development Venture (WDV) filed a motion to (1) purchase a portion of the petition area; (2) subdivide the petition area; and (3) bifurcate the docket. OP understands that WDV will also be filing a motion which will, perhaps among other things, ask to amend the decision and order on the bifurcated docket to allow for WDV to proceed as a 201H project.

On October 16, 2018, upon request by WDV, the Chair allowed for the hearing to take place after the six month period, set the hearing date for November 15, 2018, and waived the Commission’s requirement that the timetable be submitted sixty (60) days before the hearing.

Jonathan Likeke Scheuer – Chair

October 19, 2018

Page 2

OP was not aware that the Chair was going to waive the Commission-ordered sixty (60) day period to review the timetable, and has not yet seen the motion in which WDV will be asking, perhaps among other things, to amend the decision and order on the bifurcated docket to allow for WDV to proceed as a 201H project. Although WDV has previously submitted a 201H application and we acknowledge the policy favoring prompt action on affordable housing projects, OP will nevertheless need additional time to consult with other state agencies and analyze the final proposal in order to ensure that all impacts from the residential project have been considered and that appropriate conditions are placed into the decision and order to ensure appropriate mitigation.

OP contacted all the parties. We further understand that the Commission is currently scheduled to meet on November 29, 2018 on Maui. The parties have no objection if all of the motions are heard on November 29, 2018, and have no objection to allowing the filing of responses on November 21, 2018.

Given the short period of the extension, the agreement among all the parties, the lack of any prejudice to the parties or the Commission, and the need for additional time to consider the as yet unfiled motion, OP respectfully requests that the hearing on all the motions be heard on November 29, 2018 or thereabouts, and that the parties be given until November 21, 2018 to files their responses.

Very truly yours,



Bryan C. Yee
Deputy Attorney General

cc: Jennifer Lim, Esq.
Peter Horovitz, Esq.
Michael Hopper, Esq.