

BEFORE THE LAND USE COMMISSION

LAND USE COMMISSION  
STATE OF HAWAII

OF THE STATE OF HAWAII

2020 JAN 16 P 12:50

In the Matter of the Petition of	)	DOCKET NO. A03-739
	)	
A&B PROPERTIES, INC. A Hawai'i,	)	R.D. OLSON DEVELOPMENT
Corporation	)	
	)	
To Amend the Agricultural Land Use	)	
District Boundary Into The Urban Land	)	
Use District For Approximately 138.158	)	
Acres Of Land At Kahului, Maui,	)	
Hawai'i, Tax Map Key Nos.:	)	
3-8-01: Por. 2, 3-8-06: Por.4, And 3-8-79:	)	
Por. 13	)	
_____	)	

**FIRST AMENDMENT TO MOTION FOR ORDER AMENDING  
THE FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION AND ORDER FILED MARCH 25, 2004;**

**EXHIBIT "2";**

**AND**

**CERTIFICATE OF SERVICE**

BENJAMIN M. MATSUBARA, #993-0  
 CURTIS T. TABATA, #5607-0  
 Matsubara, Kotake & Tabata  
 888 Mililani Street, Suite 308  
 Honolulu, Hawai'i 96813

Attorneys for Petitioner  
 R.D. OLSON DEVELOPMENT

BEFORE THE LAND USE COMMISSION

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In the Matter of the Petition of	)	DOCKET NO. A03-739
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A&B PROPERTIES, INC. A Hawai'i,	)	FIRST AMENDMENT TO MOTION
Corporation	)	FOR ORDER AMENDING THE
	)	FINDINGS OF FACT, CONCLUSIONS
To Amend the Agricultural Land Use	)	OF LAW AND DECISION AND
District Boundary Into The Urban Land	)	ORDER FILED MARCH 25, 2004
Use District For Approximately 138.158	)	
Acres Of Land At Kahului, Maui,	)	
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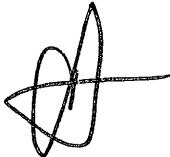
FIRST AMENDMENT TO MOTION FOR ORDER AMENDING  
THE FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION AND ORDER FILED MARCH 25, 2004

Comes now, R.D. OLSON DEVELOPMENT (“R.D. OLSON” or “Petitioner”), by and through its attorneys, MATSUBARA, KOTAKE & TABATA, and respectfully submits this First Amendment to Motion for Order Amending the Findings of Fact, Conclusions of Law and Decision and Order filed March 25, 2004 to include the following exhibit and facts to and incorporate by reference within the Motion to Amend:

1. Owner’s Letter of Authorization for the Necessary Land Use Permitting and Approvals for Development of the proposed Windward Hotel located at the southeast corner of Haleakala Highway and Kuleana Street, Kahului, Maui, Hawaii; TMK: (2) 3-8-103-:014 (portion), 015, 016, 017, and 018, dated June 19, 2018 from A & B

Properties Hawaii, LLC, Series T. to Mr. William Spence, Director of Department of Planning is attached hereto and incorporated herein by reference as Exhibit "2".

DATED: Honolulu, Hawai'i, January 16, 2020.



Of Counsel:  
MATSUBARA, KOTAKE & TABATA  
A Law Corporation

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BENJAMIN M. MATSUBARA  
CURTIS T. TABATA  
Attorneys for Petitioner  
R.D. OLSON DEVELOPMENT



ALEXANDER & BALDWIN  
PARTNERS FOR HAWAII

June 19, 2018

Mr. William Spence, Director  
Department of Planning  
One Main Plaza Building  
2200 Main Street, Suite 315  
Wailuku, Maui, Hawaii 96793

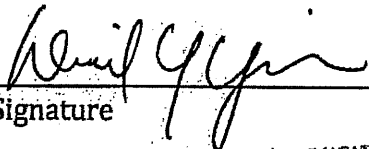
**RE:** Owner's Letter of Authorization for the Necessary Land Use Permitting and Approvals for Development of the proposed Windward Hotel located at the southeast corner of Haleakala Highway and Kuleana Street, Kahului, Maui, Hawaii;  
TMK: (2) 3-8-103: 014 (portion), 015, 016, 017, and 018.

Dear Mr. Spence,

A & B Properties Hawaii, LLC, Series T, the Owner of the above-referenced parcels, authorizes R.D. Olson Development (Mr. Anthony Wrzosek, Vice President) to act, sign, file, process, and obtain all necessary permits and approvals on the above-referenced parcels for the development of the above mentioned project.

Very truly yours,

A & B Properties Hawaii, LLC, Series T

  
Signature

DANIEL Y. YASUI VICE PRESIDENT

Print Name and Title

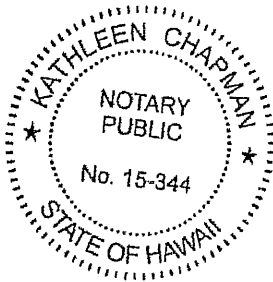
cc: Chris Hart & Partners, Inc.

EXHIBIT "2"

STATE OF HAWAII )  
 ) SS:  
CITY & COUNTY OF HONOLULU )

On this 21 day of June, 2018, before me appeared DANIELY. YASUI, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, has been duly authorized to execute such instrument in such capacity.

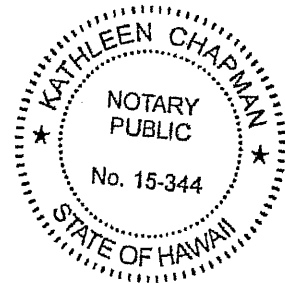
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Signature: Kathleen Chapman  
Print Name: Kathleen Chapman  
Notary Public, State of Hawaii

My commission expires: 10/11/2019

NOTARY CERTIFICATE (Hawaii Administrative Rules §5-11-8)  
Document Identification or Description: Letter of Authorization  
Doc. Date: 6/19/2018  
No. of Pages: 2 Jurisdiction: First Circuit  
(in which notarial act is performed)  
Kathleen Chapman  
Signature of Notary Date of Certificate  
Kathleen Chapman  
Printed Name of Notary



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\_\_\_\_\_)

CERTIFICATE OF SERVICE

I hereby certify that a file-marked of the foregoing document was duly served upon the following AS INDICATED BELOW on January 16, 2020.

DAWN TAKEUCHI-APUNA, ESQ. ) HAND DELIVERY  
Deputy Attorney General  
Department of the Attorney General  
425 Queen Street  
Honolulu, Hawai'i 96813

MARY ALICE EVANS, DIRECTOR ) HAND DELIVERY  
Office of Planning, State of Hawai'i  
235 South Beretania Street  
Room 600, Leiopapa A Kamehameha Bldg.  
Honolulu, Hawai'i 96813

MICHELE CHOUREAU MCLEAN, DIRECTOR  
Maui County Planning Department  
County of Maui, State of Hawai'i  
2200 Main Street  
One Main Plaza, Suite 315  
Wailuku, Hawai'i 96793

CERTIFIED MAIL,  
RETURN RECEIPT  
REQUESTED

MAUI PLANNING COMMISSION  
County of Maui, State of Hawai'i  
2200 Main Street  
One Main Plaza, Suite 315  
Wailuku, Hawai'i 96793

CERTIFIED MAIL,  
RETURN RECEIPT  
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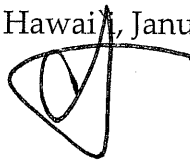
MOANA LUTEY, ESQ.  
Corporation Counsel  
Department of the Corporation Counsel  
200 S. High Street  
Kalana O Maui Bldg, 3rd Fl  
Wailuku, Hawai'i 96793

CERTIFIED MAIL,  
RETURN RECEIPT  
REQUESTED

MR. DANIEL YASUI  
Vice-President  
A&B Properties, Inc.  
822 Bishop Street  
Honolulu, Hawai'i 96813

CERTIFIED MAIL,  
RETURN RECEIPT  
REQUESTED

DATED: Honolulu, Hawai'i, January 16, 2020.



Of Counsel:  
MATSUBARA, KOTAKE & TABATA  
A Law Corporation

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BENJAMIN M. MATSUBARA  
CURTIS T. TABATA  
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