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LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

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September 18, 2020

William W.L. Yuen, Esq.
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Dentons US LLP
1001 Bishop Street, Suite 1800
Honolulu, Hawaii 96813-3689

Dear Mr. Yuen and Ms. Ahu:

Subject: LUC Docket No. A11-791/HG Kaua'i Joint Venture, LLC
HoKua Place

This is to acknowledge receipt of the following documents in the subject docket filed on August 27, 2020:

- 1) Amended Petition for Land Use District Boundary Amendment;
- 2) Errata
- 3) Verification;
- 4) Exhibits "1" – "9"
- 5) Affidavit of Mailing; and
- 6) Certificate of Service.

With the filing of the above documents and the acceptance of the Final Environmental Impact Statement by the Commission on December 17, 2019, the Petition for Land Use District Boundary Amendment, as supplemented by the Amended Petition, is hereby deemed a proper filing and accepted for processing as of September 18, 2020.

However, we wish to note the following issues that will need to be addressed prior to the docket being scheduled for hearing:

- 1) The Amended Petition (p. 8) indicates a desire for a protective order under Hawai'i Revised Statutes ("HRS") Chapter 92F regarding disclosure of financial documents. Please refer to the procedure in the Hawai'i Administrative Rules ("HAR") Section 15-15-70.1.
- 2) Petitioner's Exhibit 6 references two lines of credit from financial institutions. Please provide official letters of credit from these institutions.

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- 3) The Amended Petition (pg. 7, 11-12) represents that the Project would complete construction of backbone infrastructure and commence construction of residential units within ten (10) years from the Decision and Order. In addition, you ask that no condition be imposed on incremental reclassification. Pursuant to HAR 15-15-50(c)(20) that if the proposed development cannot be substantially completed in ten (10) years the Petitioner submit a schedule for development including a map, showing what will be built out and where in each 10 year increment. As stated, the proposed development will not be completed within ten (10) years and will require additional time for full build-out. These ten (10) year incremental development plans need to be provided even if you are planning to make a case that the development should be reclassified in whole rather than incrementally.

Please feel free to contact Scott Derrickson, AICP of my office at 587-3822, should you require clarification or any further assistance.

Sincerely,



Daniel E. Orodener
Executive Officer

c: Mary Alice Evans, State Office of Planning
Ka`Aina Hull, Kaua`i Department of Planning
Sierra Club – Kaua`i Chapter (Rayne Regush)
Wailua-Kapa`a Neighborhood Association
Liko`okalani Martin