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WEST O'AHU

Office of the Chancellor

LAND USE COMMISSION
STATE OF HAWAII

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March 25, 2021

Mr. Daniel E. Orodenker, Executive Officer
State of Hawaii Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawai'i 96804

**SUBJECT: 2020 ANNUAL REPORT: LAND USE COMMISSION DOCKET NO. A99-728(a) -
UNIVERSITY OF HAWAII**

Dear Mr. Orodenker:

In compliance with Condition No. 23 of the Findings of Fact, Conclusions of Law, and Decision and Order, dated August 13, 2007, in Docket No. A99-728(a), the University of Hawai'i - West O'ahu (UHWO) on behalf of the University of Hawai'i (UH) is pleased to provide this update for 2020 (its thirteenth annual report) concerning the current status of compliance with the conditions of approval to the State Land Use Commission (SLUC), the State Office of Planning (OP), and the City and County of Honolulu (CITY).

I. Project Background and Progress

On March 9, 2007, the UH filed a Motion to Amend the Findings of Fact, Conclusion of Law and Decision and Order dated September 8, 1999, requesting that the SLUC: 1) recognize the University as the successor-in-interest to an approximately 500-acre property which was originally part of a 1,300-acre parcel that was urbanized by the Housing and Community Development Corporation, State of Hawai'i (HCDCH), 2) redesignate a new docket for the 500-acre property, and 3) to release or modify certain conditions from the 1999 Decision and Order. On May 17, 2007, the SLUC held a hearing on the Motion to Amend the Decision and Order. Based on evidence presented at the hearing, the SLUC issued an order recognizing the UH as the Successor-in-Interest to Petitioner HCDCH and assigning the UH's property with a new docket number (Docket No. A99-728(a)). Following the hearing, the SLUC issued their Findings of Fact, Conclusion of Law and Decision and Order for the 500-acre property. The 2007 Decision and Order for Docket No. A99-728(a) sets forth twenty-six (26) conditions of approval. On August 11, 2008, the UHWO, on behalf of the UH, submitted its first annual progress report for the property under this new docket number.

Since the completion of the first annual report, the UHWO had received approvals on two of the discretionary governmental approvals that were required for development of the property. In November 2008, the UHWO successfully completed a zone change for the property from AG-1 Restricted Agricultural District to BMX-3 Community Business Mixed Use District, A-2 Medium Density Apartment District, R-3.5 Residential District, R-5 Residential District, and P-2 General Preservation District under Ordinance 08-30. The UHWO also received approval for a Plan Review Use (PRU) permit for the development of the new campus in November 2008, under Resolution 08-140, CD1, FD1. In

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previous reports, we noted that construction of five new campus buildings was completed and that the campus opened its doors for its first class of students in August 2012.

In 2017, the UHWO initiated construction of the Administration and Allied Health Facility (AAHF), and took beneficial occupancy in 2018. The Creative Media Facility and a Parking Lot Expansion projects continued toward completion. Two Campus Center projects, the Outdoor Learning Space and the Bookstore Relocation, began construction in 2020.

Also on the UH property, the Honolulu Authority for Rapid Transportation (HART) continued construction work on the transit station touchdown at the corner of Kualaka'i Parkway and Road B, a temporary park-and-ride facility, and Road B (officially named Ho'omohala Avenue). In 2019, substantial completion was reached for the park-and-ride and Road B.

The UHWO continues to seek State funding and other sources of financing through the lease of its lands to accommodate future development and growth of the UHWO campus. In September 2014, the UH Board of Regents approved a new land use plan for the 500-acre UHWO property. The land use plan, which is very general and conceptual in nature, proposes the expansion of the UHWO campus and related uses to approximately 306 acres with approximately 168 acres allocated for mixed-use (University District Lands), and about 24 acres for major roadways.

In September 2015, the UH issued a Request for Qualifications (RFQ) for a master developer for their University District Lands. Based on the qualifications demonstrated in the responses to the September 2015 RFQ, the UH issued a Request for Business Plan (RFBP) for shortlisted developers to submit business plans for the University District Lands. In January 2017, the UH announced the selection of a development team comprised of a partnership between the Hunt Companies, Inc. and Stanford Carr Development, LLC to enter into an Exclusive Negotiation Agreement (ENA) for the development of the University District Lands. The ENA formally terminated in March 2020.

In the Summer of 2017, the UHWO commenced work on an update to its long range development plan (LRDP) for the property. The LRDP will serve as a guide for the future development of the campus and the University District Lands and include master planning for both the campus and the University District Lands. As these studies are completed, the UHWO and/or the selected development team(s) may pursue major entitlements required to implement their plans for the property.

II. Status of Compliance with the Conditions

Listed below are each of the twenty-six (26) conditions imposed by the SLUC in the August 2007 Decision and Order and the status of activities pertaining to compliance with each of the conditions.

Condition 1: *Petitioner, its successors, and assigns shall provide affordable housing opportunities for residents of the State of Hawai'i in accordance with applicable affordable housing requirements of the City and County. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between Petitioner, its successors, and assigns, and the City and County.*

Compliance: The UHWO has coordinated with the CITY Department of Planning and Permitting (DPP) in establishing affordable housing requirements for the project. On June 20, 2012, the UHWO

and the CITY, through DPP, executed an Affordable Housing Agreement. As revisions to the UHWO plans for the campus and University District Lands are developed, the UHWO will consult with appropriate governmental agencies on any needed revisions to the Affordable Housing Agreement.

Condition 2: *Petitioner, its successors, and assigns shall coordinate and/or participate in the funding and construction of adequate water source, storage, and transmission facilities and improvements to accommodate the Project. Water transmission facilities and improvements shall be coordinated and approved by appropriate State and City and County agencies.*

Compliance: This condition has been satisfied. The UHWO lands are serviced by 2 water zones. The lower zone is serviced by a 215' water system and UHWO participated with the State Department of Hawaiian Home Lands (DHHL) and the State Department of Transportation (DOT) to develop a 4MG water reservoir and related transmission lines. This 215' water system has been turned over to the Board of Water Supply (BWS). The higher service zone (the UHWO campus is located in this higher zone) will be serviced by the 440' water system. This 440' water system consists of a 2.5MG reservoir, 5,200 feet of transmission lines and a water booster pump station. Plans and developments for both water systems were approved by the appropriate State and County agencies. As of this date, the 440' water system has been completed, and is in operation by the BWS.

Condition 3: *Petitioner, its successors, and assigns shall contribute to the development, funding, and/or construction of public schools as mutually agreed with the DOE¹. Petitioner and the DOE shall enter into written agreement on this matter prior to Petitioner obtaining approval for City and County zoning.*

Compliance: This condition has been satisfied. On September 12, 2008, the UHWO and the State Department of Education (DOE) finalized and entered into an Educational Contribution Agreement for the UHWO Development. Under the agreement, the DOE would acquire a 12-acre school site and the UHWO would provide a professional development school on the UHWO lands. As revisions to the UHWO plans for the campus and University District Lands are developed, the UHWO will consult with the DOE on any needed revisions to the Education Contribution Agreement.

Condition 4: *Petitioner, its successors, and assigns shall coordinate and/or fund and construct adequate wastewater transmission and disposal facilities, as determined by the City and County and the DOH², to include the planning design, construction, and scheduling of the proposed Kapolei Interceptor Sewer.*

Compliance: This condition has been satisfied. The UH has entered into agreements for the East Kapolei Trunk Sewer and the Kapolei Interceptor Sewer. In compliance with this condition, the UH along with DHHL, DR Horton Schuler Division, the Estate of James Campbell and the State Hawai'i Housing Finance and Development Corporation (HHFDC) have contributed to the design and construction of these improvements. The planning, design and construction of the proposed sewer facilities has been coordinated with the appropriate State, City agencies, including the DOH. The Kapolei Interceptor Sewer has been completed and the East Kapolei Trunk Sewer System has been completed.

¹ State of Hawai'i, Department of Education (DOE)

² State of Hawai'i, Department of Health (DOH)

Condition 5: *If applicable, Petitioner, its successors, and assigns shall grant to the State of Hawai'i an avigation (right of flight) and noise easement in a form prescribed by the DOT³ on any portion of the Property subject to noise levels exceeding 55 Ldn.*

Compliance: The condition is not applicable, as according to the environmental noise assessment report for the property, dated June 2006, which was prepared by D.L. Adams Associates Ltd. in conjunction with the EIS for the property and which relied upon the Kalaeloa Airport Master Plan and the 2020 Noise Contour Alternatives in that plan, the property is located outside the 55 ldn contour for the Kalaeloa and Honolulu Airports.

Condition 6: *If applicable, Petitioner, its successors, and assigns shall not construct residential components within areas exposed to noise levels of 60 Ldn or greater without appropriate noise mitigation measures.*

Compliance: Consistent with the response to Condition 5, the condition is not applicable, as according to the environmental noise assessment report for the property, the property is located outside the 60 ldn contour for the Kalaeloa and Honolulu Airports.

Condition 7: *Petitioner, its successors, and assigns shall be responsible for implementing sound attenuation measures to bring noise levels from sporting events, vehicular and air traffic in and within the Property down to levels acceptable to the DOH.*

Compliance: The UHWO offerings currently do not include an athletic program or large sports complex that would generate noise associated with large sporting events. In the future, should athletic facilities and events become a part of UHWO's campus program, noise levels from sporting events and vehicular traffic in the property will include sound attenuation measures to reduce noise levels to appropriate standards to comply with this condition.

Condition 8: *Petitioner, its successors, and assigns shall participate in the pro-rata funding and construction of local and regional transportation improvements and programs necessitated by the Project in designs and schedules accepted and determined by the DOT and the City and County. Petitioner and/or the DOT shall submit the construction plans as they relate to drainage issues for the North-South Road to the City and County for review and approval.*

Compliance: The UHWO has coordinated with the DOT in the planning, design and construction of Kualaka'i Parkway (formerly North-South Road). UHWO continues to coordinate with the DOT and CITY in addressing issues related to access, easements within the property, coordination on infrastructure construction within the road right-of-way and drainage for Kualaka'i Parkway, in compliance with this condition. The UHWO continues to coordinate with the DOT and CITY on other regional transportation improvements.

Condition 9: *Petitioner, its successors, and assigns of the affected properties shall fund and construct adequate civil defense measures as determined by the City and County and State Civil Defense agencies.*

³ State of Hawai'i, Department of Transportation (DOT)