

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room 310  
State Capitol  
Honolulu, Hawaii

May 23, 1984 - 9:00 a.m.

*Approved*  
*7/20/84*

COMMISSIONERS PRESENT: William Yuen, Chairman  
Richard Choy, Vice Chairman  
Lawrence Chu  
Everett Cuskaden  
Winona Rubin  
Teofilo Tacbian  
Robert Tamaye  
Frederick Whittemore

COMMISSIONER ABSENT: Shinsei Miyasato

STAFF PRESENT: Gordan Furutani, Executive Officer  
Raymond Young, Planner  
Dora Horikawa, Chief Clerk  
Benjamin Matsubara, Special Counsel  
Barbara McLean, Court Reporter

ACTION

A83-560 - LEAR SIEGLER, INC. & LEAR SIEGLER PROPERTIES, INC.  
DBA "HPD DEVELOPMENT"

In the matter of the petition by Lear Siegler, Inc., etal, Docket A83-560, to reclassify approximately 5.8 acres from the Conservation District into the Urban District at Kalauao, Ewa, Oahu, a hearing had been conducted by Hearing Officer Benjamin Matsubara on February 8, 1984.

Appearances

James Funaki, Attorney representing the petitioner

Steven Lim, Deputy Corporation Counsel, representing the City Department of General Planning

Tatsuo Fujimoto, Head, Land Use Division, representing the Dept. of Planning & Economic Development

Mr. Matsubara reported on his findings and recommended that the petition be approved, subject to the conditions which were suggested by DPED and the County as follows:

1. That petitioner shall provide vehicular access through the subject property to the mauka Conservation District lands for public safety and public utility purposes. Public access for recreational purposes for the mauka Conservation District lands shall be provided. Vehicular access to the mauka Conservation District lands for recreational purposes shall be subject to negotiations with the petitioner and interested parties.
2. The petitioner shall provide housing opportunities for low and moderate or gap group income Hawaii residents. Prior to assigning or transferring its interest in the subject property by offering for sale on a preferential basis on its own with cooperation with either or both the Hawaii Housing Authority and the City and County of Honolulu ten percent of the residential units to be developed on the subject property or on other suitable sites to residents of the State of Hawaii of low and moderate or gap group family income as determined by the standards promulgated by the Hawaii Housing Authority and the City and County of Honolulu from time to time.

The Commission requested further information regarding the public's accessibility to the Conservation areas for recreational purposes, and the need for the type of development being proposed for the area, to which Mr. Matsubara responded.

In the event of the petitioner's failure to fulfill any of the conditions imposed by the Commission, Mr. Matsubara stated that since the conditions ran with the land, the aggrieved party will have the right to file some kind of action, such as a "show cause proceeding" to address the problem.

Mr. Funaki submitted that the petitioner was in agreement with the Hearing Officer's recommendations, including the two conditions which were being imposed.

Commissioner Chun moved to approve the petition, subject to the two conditions, which was seconded by Commissioner Tacbian and unanimously carried as follows:

Ayes: Commissioners Tacbian, Rubin, Chun, Whittemore, Cuskaden, Tamaye, Choy, Chairman Yuen

#### HEARING

#### A83-562 - WEST BEACH ESTATES

Pursuant to a notice published in the Honolulu Star Bulletin on April 13, 1984, and notices sent to all parties, a hearing was

called by the Land Use Commission in the matter of the petition by West Beach Estates to reclassify approximately 642 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for a resort and residential community development.

Chairman Yuen reported that the Commission was in receipt of one timely request for intervention from Angel Pilago, Eric Enos, Liwai Kaawa, David Cullen, Na Opio Aloha Aina and the Waianae Land Use Concerns Committee, collectively. The Commission also received 33 timely requests, and 6 untimely requests, to appear as public witnesses.

All parties were advised of the procedure the Commission will follow during the hearings. It was also announced that tomorrow, the Commission will adjourn the hearing around noon and conduct a site inspection of the properties involved, which will be open to the public and parties.

#### Appearances

Rodney Fujiyama )  
Kerry Komatsubara) - Co-counsels representing petitioner  
David Arakawa )

Steven Lim - Deputy Corporation Counsel, representing the  
City Department of General Planning

Annette Chock - Deputy Attorney General, representing the  
Dept. of Planning & Economic Development

Staff planner, Mr. Raymond Young, oriented the Commission to the petitioned area with the aid of the USGS Quad and Tax Maps, and also identified the various surrounding land uses and landmarks.

#### Intervention Request

Chairman Yuen called on Mr. Alan Murakami to address himself to the petition for intervention.

Mr. Murakami of the Native Hawaiian Legal Corporation submitted that he represented the petitioners requesting intervention. He elaborated that the request was being made on the basis that his clients had a direct interest in the resources which will be compromised or destroyed by the proposed development.

Chairman Yuen requested that Mr. Murakami make available the required copies of the list of officers of the Waianae Land Use Concerns Committee.

No objections to the foregoing intervention request were voiced by any of the parties.

Chairman Yuen noted that so long as Mr. Murakami represented all six of the petitioners for intervention, it would not render the proceedings inefficient or unmanageable. However, he cautioned should the six parties' concerns diverge at some point, the Commission would then have an unmanageable proceeding.

Commissioner Chun moved to permit all six of the listed parties to intervene, which was seconded by Commissioner Rubin.

Mr. Murakami assured Commissioner Tacbian that there will be only one representative for the six intervenors. Commissioner Tacbian stated that he will vote in favor of the intervention request on this basis and the additional condition that there will be no change of counsel during the course of the proceedings.

Chairman Yuen questioned Mr. Kaawa, Mr. Enos as an individual and also acting in behalf of Na Opio Aloha Aina and the Waianae Land Use Concerns Committee, whether they were agreeable to retaining the same counsel throughout the entire proceedings. Both answered in the affirmative.

The motion to permit the intervention request was unanimously carried by voice vote.

The matter of identifying and admitting exhibits was deferred until after the completion of testimony from the public witnesses.

Commissioner Cuskaden moved to permit the following six witnesses who had made untimely requests to testify before the Commission:

1. Senator James Aki
2. Joseph Reff
3. Polly Grace
4. Samuel Mokuahi
5. Ellsworth Simeona
6. Wallace Lean

It was seconded by Commissioner Tacbian and carried by voice vote.

Chairman Yuen declared for the records that the Commission's position in these proceedings was to treat the present West Beach application as a petition for boundary amendment from the Agricultural District into the Urban District and not as a reopening of the petition previously filed with the Commission, nor was the Commission accepting the evidence or findings made in the previous petition. All parties concurred with the Chairman's foregoing ruling.

Public Witnesses

All of the witnesses who testified today, having been duly sworn in, testified and were examined as set forth in the transcript.

Peter Apo - State Representative

Oral testimony-----34 to 38

Examination by Commissioner Tacbian-----38 to 39

Examination by Commissioner Cuskaden-----39 to 40

Charles Dick Beamer - President, Ewa Beach Community Assoc.

Oral Testimony-----42 to 43

Public Witnesses

Kermit Brown - Retired School Teacher and Resident of Waianae

Oral testimony-----44 to 45

Mrs. Koco Bungo - Homestead Resident

Oral testimony-----45 to 45

Cross examination by Mr. Murakami-----49 to 50

Elroy Chun - Executive Vice President, Building Industry Association of Hawaii

Oral testimony-----50 to 53

Examination by Commissioner Cuskaden-----53 to 55

Archie Cox - Resident of Honokai Hale

Oral testimony-----55 to 57

Cross examination by Mr. Murakami-----57 to 59

Examination by Commissioner Whittemore-----59

Examination by Commissioner Tacbian-----60

Frank Commendador - President, Puu Heleakala Community Ass.

Oral testimony-----60

Melvin Dumancas - Waianae Resident

Oral testimony-----61 to 62

Examination by Vice Chairman Choy-----63

Charles Rasmussen, Jr. - Ewa Beach resident

Oral testimony-----64 to 66

Examination by Commissioner Whittemore-----67

Raymond Eblacas - Waianae resident

Oral testimony-----68

George Domen - Waianae Resident

Oral testimony-----69 to 70

Examination by Commissioner Tacbian-----70

Representative Avis Kiyabu-Saballa

Oral testimony-----71 to 72

George Kaeo - Nanakuli Resident

Oral testimony-----73 to 75

Representative Michael Crozier

Oral testimony-----76 to 77

William Crabbe - Waianae Resident

Oral testimony-----78 to 81

Robert Hoffman - Makakilo Resident and Member of Neighborhood Board #23

Oral testimony-----81 to 84

George Ishida - President of Cement and Concrete Products Industry of Hawaii and Consultant to the Masonry Institute of Hawaii

Oral testimony-----84 to 87

Cross examination by Mr. Murakami-----87 to 90

A lunch recess was called at 12:00 noon.

The afternoon session was chaired by Vice Chairman Choy.

Senator James Aki

Oral testimony----- 90

Cross examination by Mr. Murakami-----93 to 94

Examination by Commission Tacbian-----94 to 96

Examination by Commissioner Cuskaden-----96

Examination by Commissioner Whittemore-----96 to 97

Manuel Matthias, Jr. - Waianae Resident

Oral testimony-----97 to 98

Cross examination by Mr. Murakami-----99

Glenn Oamilda - On Behalf of Paul Oshiro, President of Ewa  
Neighborhood Board

Oral testimony-----100 to 101

Cross examination by Mr. Murakami-----101 to 102

Scott Robertson - Coordinator, Masonry Institute of Hawaii

Oral testimony-----102 to 104

Ann Usugawa - On Behalf of Patrice Tottori, Executive Director of  
Land Use Research Foundation of Hawaii

Oral testimony-----104 to 106

Cross examination by Mr. Murakami-----106 to 107

Examination by Commissioner Cuskaden-----107

Commissioner Cuskaden requested a roster of the Foundation's  
clients.

Polly Grace - Makaha Resident

Oral testimony-----108 to 109

Cross examination by Mr. Murakami-----109 to 115

Samuel Mokuahi - Business Manager for the Roofers, Local 221

Oral testimony-----115 to 116

Cross examination by Mr. Murakami-----116 to 117

Wallace Lean - District Representative for the Operators, Engineers,  
Local Union #3

Oral testimony-----117 to 118

Cross examination by Mr. Murakami-----118 to 120

Kihei Niheu

Oral testimony-----120 to 124

Cross examination by Mr. Fujiyama-----124 to 125

Examination by Commissioner Chun-----126 to 128

Examination by Vice Chairman Choy-----128 to 129

John Kelly - Save Our Surf Member

Oral testimony-----129 to 139

Chairman Yuen rejoined the Commission at this time.

Cross examination by Mr. Fujiyama-----139 to 140

Examination by Commissioner Whittemore-----140 to 141

Examination by Commissioner Cuskaden-----141 to 144

Exhibits

Petitioner's exhibits 1-A through 1-O, 2, 3, 4, 6, 9, 10, 17, 22, 23, 24 and 25 were identified and admitted into evidence. The Chairman stated that he will consider admission of such portions of the petition, marked petitioner's exhibit 1, as specific witnesses can verify or summarize their testimony.

County's exhibits 1 and 2 were identified and moved into evidence.

DPED's exhibits 1 and 2 were also identified and admitted into the record.

Intervenor's exhibits were held in abeyance since none had been submitted as of this date.

Mr. Murakami formally moved to request the Commission leave to waive the strict application of the filing requirement of 16 copies of all documents.

Chairman Yuen denied the request; however, he suggested that he will entertain requests to waive the filing requirement on a document by document basis. In some instances, 16 copies of only the relevant portion of a document may be all that will be required.

Mr. Murakami further moved that the Commission hold a full public hearing, duly advertised as required by law, in Waianae in the evening, some 30 days hence, so that the Commission can receive the full record of the residents' views relevant to the subject petition.

Chairman Yuen responded that he will take Mr. Murakami's request under advisement.

PETITIONER

Prior to calling his first witness, Mr. Fujiyama, petitioner's counsel, offered some preliminary remarks in support of the petition.

John Chapman - Architect, Specialist in Land Planning

Direct examination by Mr. Fujiyama-----160 to 184

It was announced that the Commission will recess at this point and return tomorrow at 8:45 a.m. to continue the examination of the witness.

The hearing was adjourned at 4:39 p.m.