

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 322 A, B & C
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

Approved
9/20/84

June 12, 1984
9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Richard Choy, Vice Chairman
Lawrence Chun
Winona Rubin
Toru Suzuki
Robert Tamaye
Frederick Whittemore

COMMISSIONERS ABSENT: Everett Cuskaden
Teofilo Tacbian

STAFF PRESENT: Gordon Furutani, Executive Officer
Raymond Young, Planner
Dora Horikawa, Chief Clerk

James D. Lavielle, Court Reporter

CONTINUED HEARING

A83-550 - A. R. NYLEN & RAYMOND H. NYLEN

The first item on the agenda was the continued hearing on the petition by A. R. Nylen and Raymond H. Nylen to re-classify approximately 19 acres of land from the Conservation District into the Urban District at Kahaluu, Oahu for a housing development.

Appearances

Raymond Nylen, Petitioner

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

Annette Chock, Deputy Attorney General, Department of
Planning & Economic Development

Upon questioning by Chairman Yuen, it was determined by the Commission that Mr. Nylen was obviously not prepared to proceed with the hearing today. Therefore, Chairmen Yuen

declared a deadline of August 1, 1984 in which to complete all procedural matters relating to the EIS, all exhibits be submitted to the Commission, and parties be prepared to proceed with the hearing. It was suggested that Mr. Nysten consult with the LUC staff for assistance in preparing for his presentation before the Commission.

A83-562 - WEST BEACH ESTATES

Chairman Yuen recalled that at the conclusion of the last hearing on the subject petition, examination of petitioner's witness John Chapman had been completed.

Appearances

Kerry Komatsubara) - Co-counsels representing the petitioner
Rodney Fujiyama)

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

Annette Chock - Deputy Attorney General representing the
Department of Planning & Economic
Development

Alan Murakami - Attorney representing the Intervenors

Exhibits

Petitioner's exhibit 17-B was identified and moved into evidence.

PETITIONER (cont.)

George Edward Lipp - Certified Public Accountant

Direct examination by Mr. Komatsubara-----12 to 30

Cross examination by Mr. Lim-----30 to 33

Cross examination by Miss Chock-----33 to 41

Cross examination by Mr. Murakami-----41 to 91

A recess was taken by the Commission from 12:05 p.m. to 2:00 p.m.

2:00 p.m.

ACTION

A83-558 - MSM & ASSOCIATES

In the matter of the petition by MSM & Associates, Docket No. A83-558, hearings had been conducted by the Land Use Commission on January 17 and 18, 1984, February 1, 1984, and March 7, 1984.

Appearances

Harry Kim, Attorney representing petitioner

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

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

It was determined by the Chairman that all of the Commissioners present today were eligible to participate in the action on this petition, by virtue of either having attended all the meetings or having reviewed all of the transcripts of the hearings.

Closing Arguments

By Mr. Kim-----95 to 99

By Mr. Lim-----99 to 100

By Miss Chock-----101 to 109

It was moved by Commissioner Chun to approve Docket A83-558, MSM & Associates, subject to the following conditions:

1. The petitioner shall adequately maintain the proposed siltation basins and waterway system to meet State Department of Health water quality standards.
2. The petitioner shall finance and implement all on-site and off-site sewer, water and roadway improvements as required by relevant City and State agencies, including but not limited to a 21-inch diameter sewer force main line to the Honouliuli waste water treatment plant which are related to the MSM development.
3. On or before one year from the date of filing of the Decision and Order approving this petition, petitioner shall furnish this Commission with certification

issued by the Board of Land and Natural Resources that petitioner has the right to withdraw sufficient fresh water from the Pearl Harbor Ground Water Control Area as may be necessary for the development of the Ewa Marina project.

4. Petitioner shall provide housing opportunities for low and moderate-income Hawaii residents by offering for sale, on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority and the City and County of Honolulu, ten percent (10%) of the residential units to be developed on the 707.7 acre development to residents of the State of Hawaii of low or moderate family income as determined by standards promulgated by the Hawaii Housing Authority and the City and County of Honolulu from time to time.

A preferential residential unit shall be offered for sale at prices not exceeding prices that enable such purchasers to qualify for and obtain state-assisted financing (e.g. Act 105 or Hula Mae) or federally insured or assisted financing (e.g. FHA Section 245 Program) intended to encourage home ownership by low and moderate-income families.

5. Sound attenuation measures be applied to residential units that are subject to noise contours greater than 60 LDN. The petitioner shall ensure that a noise covenant, as in DPED's exhibit 2 or similar covenant, be placed in each residential deed that is satisfactory to the State Department of Transportation.
6. No residential development shall be allowed within the Barber's Point Naval Air Station aircraft accident potential zone (APZ).
7. All structures shall be set back a minimum distance of 100 feet from the waterway, and lesser setbacks may be permitted upon design review and approval by the City and County Department of Land Utilization.
8. The petitioner shall petition the Land Use Commission to reclassify the lands actually developed for the marina waterway to Conservation District within two years of the completion of the marina.
9. The petitioner shall provide annual reports to the Commission regarding its progress in developing the subject property and satisfying these conditions.

- 10. The Commission may fully or partially release these conditions as to all or any portions of the subject properties upon timely motion by the petitioner and provision of adequate assurances of satisfaction of these conditions.
- 11. Public access to the marina waterway and ocean shoreline shall be required.

The above motion was seconded by Commissioner Tamaye and carried with the following votes:

Ayes: Commissioners Chun, Whittemore, Rubin, Choy, Tamaye, Suzuki, Chairman Yuen

CONTINUED HEARING

A83-562 - WEST BEACH ESTATES

PETITIONER (cont.)

George Lipp (cont.)

Examination by Commissioner Rubin-----116 to 119

Examination by Commissioner Whittemore-----119 to 120

Examination by Commissioner Tamaye-----120 to 121

Examination by Chairman Yuen-----121 to 129

Peter Vince Garrod - Agricultural Economist

Direct examination by Mr. Komatsubara-----130 to 137

Cross examination by Mr. Lim-----137 to 139

Cross examination by Miss Chock-----139 to 145

The hearing was recessed, to be continued tomorrow at 9:00 am.

MISCELLANEOUS

Election of Officers

Vice Chairman Choy nominated William Yuen as Chairman of the Commission. Commissioner Tacbian moved that nominations be closed, and the Executive Officer announced that William Yuen had been reelected as Chairman.

Commissioner Chun nominated Teofilo Tacbian as Vice Chairman of the Commission. Commissioner Whittemore moved that the nominations be closed and Teofilo Tacbian was unanimously elected as Vice Chairman of the Commission

Adoption of Minutes

The minutes of February 8, 1984, March 15, 1984 and April 11, 1984 were approved as circulated.