

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hawaii Housing Authority - Housing Finance
And Development Corporation Board Room
Building E
1002 North School Street
Honolulu, Hawaii

June 29, 1988

Approved
8/16/88

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman
Lawrence Chun, Vice-Chairman
Teofilo Phil Tacbian
Richard Choy
Toru Suzuki
Robert Tamaye
Frederick P. Whittemore
Allen Kajioka
Sharon R. Himeno

COMMISSIONERS ABSENT:

STAFF PRESENT: Esther Ueda, Executive Officer
Annette Chock, Esq, Deputy Attorney
General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk
Priscilla Gonzaga, Court Reporter

Chairman Nip called the meeting to order.

ACTION

A88-622 - HOUSING FINANCE AND DEVELOPMENT CORPORATION (Oahu)

It was announced by Chairman Nip that the Commission would take action in the matter of the petition by Housing Finance and Development Corporation to reclassify approximately 830 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii for a residential community primarily for affordable housing.

Appearances

Rodney Sato, Esq., Attorney for Petitioner

Lloyd Haraguchi, Housing Finance and Development Corporation

John Anderson, Deputy Attorney General, Land Use Division, Dept. of Business and Economic Development

Abe Mitsuda, Land Use Division, Dept. of Business and Economic Development

David Hulse, Land Use Division, Dept. of Business and Economic Development

Betsy Marcinkus, Dept. of General Planning, City and County of Honolulu

Rebecca Greenway, Esq., Attorney for Intervenor No. 1, Dept. of the Navy

J. Gregory Turnbull, Esq., Attorney for Intervenor No. 2, Chevron U.S.A.

It was determined by Chairman Nip that all of the Commissioners present were eligible to participate in the action on the petition.

Commissioner Tacbian moved to approve Docket No. A88-622 - Housing Finance and Development Corporation to reclassify approximately 830 acres of land in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii for a residential community primarily for affordable housing subject to the following conditions.

1. The Property shall be developed for the purpose of providing affordable housing in accordance with the requirements of Chapter 201E of the Hawaii Revised Statutes, as amended.

2. Petitioner shall provide affordable housing opportunities by offering for sale or rent, on a preferential basis sixty percent (60%) of the residential units to residents of the State of Hawaii of low, low-moderate, and moderate income.

3. Petitioner shall coordinate, with the Honolulu Board of Water Supply, Department of Land and Natural Resources, the Ewa Water Development Corporation, adjoining land owners and developers, and/or other Federal, State, or County agencies, measures designed to obtain the required water for the project. In the event that water is not available due to insufficient supply, Petitioner shall fund on an equitable basis, necessary water source, storage, transmission facilities, and filtration system.

4. Petitioner shall provide drainage improvements for the subject project and shall coordinate off-site improvements with the Estate of James Campbell, the Barbers Point Naval Air Station, adjoining land owners and developers, and/or other Federal, State, or County agencies.

5. Petitioner shall provide professional archaeological monitoring of the project site during all grading, digging, or other earthworking phases of project development in accordance with the Department of Land and Natural Resources requirements. Should any archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings, or walls be encountered during the project's development, Petitioner shall immediately stop work and contact the State Historic Preservation Office.

6. Petitioner shall participate in the funding and construction of transportation improvements as represented by the Petitioner. In the event that other transportation improvements resulting from project development are identified by the State Department of Transportation, Petitioner shall fund on an equitable basis and coordinate with all adjoining land owners and developers, and/or other Federal, State, or County agencies said improvements on a schedule accepted and approved by the State Department of Transportation.

7. Petitioner shall appoint a transportation manager whose function is the formation, use, and continuation of alternative transportation opportunities that would maximize the use of existing and proposed transportation systems.

8. A forty (40) foot setback shall be established along the existing railroad right-of-way in a manner compatible with County Ordinance No. 84-94.

9. Petitioner shall inform all prospective occupants of a) possible odor, noise, and dust pollution resulting from the adjacent Barbers Point Access Road, Farrington Highway, and surrounding agricultural operations, and b) the Hawaii Right-to-Farm Act, Chapter 165, Hawaii Revised Statutes, which limits the circumstances under which pre-existing farming activities may be deemed a nuisance.

10. Should Ewa area sugarcane cultivation lands (dependent on access routes provided by the Waimanalo Sugar Cane Haul Road) continue production after currently existing land leases terminate, Petitioner shall provide, as necessary, alternate sugarcane haul road(s) to maintain the uninterrupted agricultural operation of said sugarcane production areas.

11. Petitioner shall inform each prospective occupant of residential property of possible noise impact from Barbers Point Naval Air Station and Honolulu International Airport or other sources and will provide covenants in the deed to such occupants which will release and discharge the State of Hawaii, the City and County of Honolulu and the United States Government or any subdivision thereof from all liability, and provide that such occupants will not file suit against the State of Hawaii and the City and County of Honolulu and the United States Government or any subdivision thereof on account of, or resulting from, any inconvenience, disturbance and/or injury due to noise under 65 Ldn in the area affecting such occupants or their property. Such covenants shall run with the land.

12. The acquisition of the Property by or through the Housing Finance and Development Corporation from the Estate of James Campbell, whether by purchase, condemnation or otherwise, shall be subject to the covenants, rights and obligations stated in Chevron's Easement ("Easement No. 182" as identified on Maps 36 and 45 of Land Court Application 1069, recorded in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document Nos. 213791 and 213792, noted on Certificate Numbers 15790 and 48377 in Book Numbers 158 and 484, respectively).

13. Petitioner shall develop the Property in substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the Property.

14. Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the Property covered by the approved Petition, prior to development of the Property.

15. Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning and the City and County of Honolulu Department of General Planning in connection with the status of the project and Petitioner's progress in complying with the conditions imposed.

16. The Commission may fully or partially release these conditions as to all or any portion of the Property upon timely motion, and upon the provision of adequate assurance of satisfaction of these conditions by the Petitioner.

The motion was seconded by Commission Tamaye.

The motion to approve the Housing Finance and Development Corporation's petition subject to sixteen conditions was unanimously approved as follows:

Ayes: Commissioner Tacbian, Whittemore, Choy, Himeno, Tamaye, Suzuki, Chun, Kajioka, and Chairman Nip.

A87-613 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF
JAMES CAMPBELL, DECEASED

Chairman Nip announced that the Commission would take action in the matter of the petition by The Trustees Under the Will and Of the Estate of James Campbell, Deceased.

Appearances

Ivan Lui-Kwan, Esq., Attorney for Petitioner

Oswald Stender, Campbell Estate

Betsy Marcinkus, Dept. of General Planning, City and County of Honolulu

John Anderson, Esq., Deputy Attorney General,
Department of Business and Economic Development

Abe Mitsuda, Land Use Division, Department of Business and Economic Development

Closing arguments were heard from Mr. Lui-Kwan, Mr. Anderson, and Ms. Marcinkus. After hearing arguments, parties were questioned by the Commissioners.

Commissioner Himeno moved that a portion of the Property identified as increment 1 consisting of approximately 135 acres being the subject of docket no. A87-613 by the Estate of James Campbell situated at Honouliuli, Ewa, Oahu, be reclassified from the Agricultural District into the Urban District and that the remaining balance of 755 acres of the petition area situated at Honouliuli, Ewa, Oahu shall be in the same, be approved for incremental districting pursuant to Section 15-15-78 of the Commission Rules. And that redistricting from the Agricultural to the Urban District be granted upon receipt of an application by Petitioner for redistricting of the second increment upon a prima facie showing that there has occurred substantial completion of the on-site and off-site improvements and employment opportunities within increment 1. And in accordance with the Petitioner's development plan as indicated above and the conditions provided herein within five years of the date of the order. The conditions are as follows:

1. Kapolei Town Center shall be a commercial, industrial, government and business center. There shall be no residential construction in the entire petition area consisting of 890 acres without Land Use Commission approval.

2. Petitioner shall fund and construct the necessary improvements to mitigate impacts from the subject project on an equitable basis with adjoining landowners and developers and or other Federal, State or County agencies as determined by the State Department of Transportation. These improvements shall be implemented on a schedule acceptable to and approved by the Department of Transportation.

3. Petitioner shall participate in an air quality monitoring program as specified by the State Department of Health.

4. Petitioner shall immediately stop work and contact the State Historic Preservation Office should any archaeological

resources such as artifacts, shell, bone or charcoal deposits, human burial, rock or coral alignments, paving or walls be encountered during the project development.

5. Petitioner shall provide water source and transmission to service the project.

6. Petitioner shall provide drainage improvements for the subject project and shall coordinate off-site improvements with the State Housing Finance and Development Corporation and the Barbers Point Naval Air Station.

7. Petitioner shall construct or produce binding agreements to construct in the 135 acre increment 1, a minimum of 1 million square feet of facilities for office space, commercial space, business, park/light industrial and other uses.

8. Petitioner shall construct the Kapolei shopping center situated on 30 acres within the existing urban district.

9. As Petitioner has advanced as justification for a secondary urban core at the Kapolei Town Center, the provision of affordable housing at Kapolei Village, the potential relocation of governmental offices to the town center and the potential expanded uses of the deep draft harbor, the reclassification shall be subject to the following pre-conditions:

a. The execution of an agreement with HFDC for the sale of 880 acres at \$19,400 per acre for the development of Kapolei Village in accordance with the HFDC's master plan. And the provision of 175,000 gallons per day of water for the first phase of development.

b. The execution of an agreement or document evidencing the Petitioner's commitment to provide forty acres to State of Hawaii at no cost for governmental offices or other uses in the Kapolei Town Center with all off-site costs to be borne by the Campbell Estate.

c. The execution of an agreement or document evidencing the Petitioner's commitment to provide 87 acres at no cost to the State and the sale of 56.5 acres at 50 percent of fair market value not to exceed \$1.50 per square foot plus

escalation based on comparables in the adjoining industrial area to increase the productive capacity of Barbers Point Harbor.

10. As Petitioner has testified that agreement set forth in paragraph 9 here and above, is subject to approval by the probate court of the State of Hawaii, the approval of the probate court to such agreements and Petitioner's development plan shall be a further pre-condition of the reclassification granted herein.

11. Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the City and County of Honolulu, Department of General Planning in connection with the status of the project and Petitioner's progress in complying with the conditions imposed.

12. Petitioner shall develop the property with substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the property.

13. Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust or otherwise voluntarily alter the ownership interest in the property covered by the approval petition prior to the development of the property.

14. The Commission may fully or partially release these conditions as to all or any portion of the property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by the Petitioner.

The motion was seconded by Commissioner Whittemore.

Commissioner Choy moved to amend Commissioner Himeno's motion to read five years from the date of City and County approval. The motion to amend Commissioner Himeno's motion was second by Commissioner Chun and unanimously carried by voice votes.

It was determined by Chairman Nip that all of the Commissioners present were eligible to participate in the action on the petition.

The motion for approval of The Trustees Under the Will and of the Estate of James Campbell, Dec.'s Petition subject to fourteen conditions as amended was unanimously approved as follows:

Ayes: Commissioner Himeno, Whittemore, Suzuki, Tamaye, Choy, Kajioka, Tacbian, Chun, and Chairman Nip.

A88-623 - DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY OF HONOLULU

It was announced by Chairman Nip that the Commission would take action in the matter of the petition by Department of General Planning, City and County of Honolulu's Motion for Re-Application to reclassify approximately 269.454 acres of land currently in the Agricultural District into the Urban District at Waipio, Ewa, Oahu for a residential subdivision.

Appearances

David Laxson, Esq., Deputy Corporation Counsel, City and County of Honolulu

Betsy Marcinkus, Dept. of General Planning, City and County of Honolulu

John Anderson, Esq., Deputy Attorney General, Department of Business and Economic Development

Abe Mitsuda, Land Use Division, Department of Business and Economic Development

Letters from C.O. "Andy" Anderson, Rev. Newton W. Kerney, and Muriel Seto was admitted into evidence by the Land Use Commission.

CITY'S WITNESSES

1. Mayor Frank Fasi
2. Randy Wong

Arguments on the motion were heard from Mr. Laxson and Mr. Anderson. After hearing arguments, parties were questioned by the Commissioners.

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Commissioner Tacbian moved to approve the motion for re-application filed by the Department of General, City and County of Honolulu. The motion was seconded by Commissioner Tamaye and unanimously carried by voice votes.

The meeting was adjourned at 12:55 p.m.