

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Approved
JUL 29 1980

Department of Land & Natural Resources
Board Room 132, 1st Floor
1151 Punchbowl Street
Honolulu, Hawaii

April 16, 1980 - 9:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai
William Yuen

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

HEARING

A80-477 - MANOA FINANCE COMPANY, INC.

Pursuant to a notice published in the Honolulu Star Bulletin on March 10, 1980 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of a petition by Manoa Finance Company, Inc. to reclassify approximately 2.52 acres of land presently in the Conservation District into the Urban District at Kahoiwai, Manoa, Honolulu, Oahu, Docket A80-477.

Appearances

Francis Izumi, Attorney representing Manoa Finance Co., Inc.

Orlando R. Davidson, Deputy Corporation Counsel, representing the Department of General Planning, City & County of Honolulu

Annette Chock, Deputy Attorney General, representing DPED

Jack Schweigert, representing Intervenor Pinao Tenants' Association

Declaration by Commissioner Yuen

For the record, it was stated by Commissioner Yuen that several years ago he had represented certain individuals in a lawsuit filed against the petitioner, Manoa Finance Co. However this matter was amicably settled out of court. Thus, he did not believe that this would disqualify him from participating in the proceedings today.

Commissioner Whitesell moved that Commissioner Yuen be permitted to participate in these proceedings. It was seconded by Commissioner Pascua and unanimously carried.

Public Witness

Senator Neil Abercrombie, representing the Sixth District, testified before the Commission as a public witness.

Motion in Opposition to Petition for Intervention by Pinao Tenants' Association - By Francis Izumi, Representing Petitioner

It was moved by Commissioner Yanai, seconded by Commissioner Oura, and unanimously agreed to go into executive session to receive counsel regarding the above motion.

The Commission was in executive session from 9:54 a.m. to 10:20 a.m.

10:20 a.m.

Counselor Kawada explained that discussion during the executive session had focused on the question of defective filing as alleged in petitioner's motion to oppose intervention on the basis of lack of verification, untimeliness and method of service.

Chairman Duke ruled that the verification was being made a part of the original intervention request and therefore considered as having been filed in a timely fashion.

Commissioner Yuen moved, seconded by Vice Chairman Nakagawa, to deny petitioner's motion in opposition to petition for intervention by Pinao Tenants' Association. The motion was carried with the following votes:

Ayes: Commissioners Whitesell, Yuen, Miyasato, Nakagawa, Yanai, Chairman Duke

Nays: Commissioners Oura, Pascua

Petition for Intervention by Pinao Tenants' Association

Following Mr. Schweigert's arguments in support of the intervention request, opportunity for rebuttal was afforded

all of the other parties.

Commissioner Yuen moved to deny the petition to intervene by the Pinao Tenants' Association which was seconded by Commissioner Pascua.

Commissioner Yuen elaborated on his reasons for the motion. Commissioner Whitesell, Vice Chairman Nakagawa and Chairman Duke spoke in opposition to the motion.

The motion was defeated as follows:

Ayes: Commissioners Oura, Yuen, Pascua

Nays: Commissioners Yanai, Miyasato, Whitesell, Nakagawa, Chairman Duke

Vice Chairman Nakagawa moved to approve the petition for intervention by the Pinao Tenants' Association as permitted under Section 6-7 (1) (d) of the Commission's Rules. The motion was seconded by Commissioner Whitesell and unanimously carried.

Chairman Duke directed Counselor Schweigert to prepare the decisions and orders reflecting the Commission's action on the petitioner's motion to deny the intervention request and the petition for intervention by the Pinao Tenants' Association.

Exhibits

Petitioner's Exhibits 1 through 3 were admitted into evidence.

Intervenor's Exhibits B, E, H, I, J, K were admitted into evidence.

All of the persons testifying today were duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

PUBLIC WITNESS

It was moved by Commissioner Yuen, seconded by Commissioner Oura and unanimously passed to permit the representative from the Manoa Neighborhood Board to testify as a public witness.

Ann Kobayashi - Chairman of the Manoa Neighborhood Board

Oral testimony-----69 to 70
Cross examination by Mr. Schweigert-----70 to 71
Examination by Commissioner Yuen-----71
Examination by Commissioner Pascua-----72

It was moved by Commissioner Pascua, seconded by Commissioner Yuen and unanimously agreed to permit Ms. Amy Kunihisa to testify as a public witness.

Amy Kunihisa - Resident of Manoa

Oral testimony-----73 to 76
Examination by Commissioner Pascua-----77
The Commission was in recess from 12:00 to 1:30 p.m.

1:30 p.m.

Mr. Yasui, staff planner, pointed out the location of the subject property on the maps and oriented its location with various surrounding landmarks.

PETITIONER

Cedric N. Yamamoto - Vice President and Assistant Secretary,
Manoa Finance Company

Direct examination by Mr. Izumi-----106 to 112
Cross examination by Miss Chock-----113 to 116
Cross examination by Mr. Schweigert-----116 to 128
Cross examination by Mr. Davidson-----129
Redirect examination by Mr. Izumi-----129 to 130
Examination by Commissioner Yuen-----130 to 136

Patrick W. Murphy - Managing Agent, Manoa Estate Partners, Ltd.

Direct examination by Mr. Izumi-----137 to 140
Dross examination by Mr. Davidson-----141 to 142

Patrick W. Murphy (cont.)

Cross examination by Mr. Schweigert-----142 to 156

Redirect examination by Mr. Izumi-----156 to 157

Examination by Commissioner Yuen-----157 to 159

Examination by Commissioner Whitesell-----160

Chairman Duke announced that the hearing will be continued until 8:30 a.m. tomorrow.

The meeting was recessed at 4:52 p.m.