

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Room 322 C
New State Building
1151 Punchbowl Street
Honolulu, Hawaii

Approved
JUL 29 1980

April 23, 1980 - 9:15 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

CONTINUED HEARING - III

A80-477 - MANOA FINANCE COMPANY, INC.

Chairman Duke announced that at the close of the continued hearing on April 17, 1980, a motion had been made by Counselor Davidson that the paragraph in petitioner's Exhibit 1, beginning on page 3-3 and ending on page 3-6 be stricken from the record as it was a conclusion of law and, in fact, an incorrect conclusion of law.

Mr. Davidson elaborated on the rationale for his motion. Mr. Izumi, Miss Chock and Mr. Schweigert were all given an opportunity to respond.

It was moved by Commissioner Yuen to defer consideration of the motion until a later time. It was seconded by Vice-Chairman Nakagawa and carried, with Commissioner Whitesell casting the only dissenting vote.

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

PETITIONER (cont.)

Petitioner's Exhibits 4, 5, 6, and 10 were admitted into evidence.

Marvin Miura (cont.)

Recross examination by Mr. Schweigert-----20 to 29

Examination by Commissioner Whitesell-----29

Examination by Commissioner Yuen-----29 to 33

Cedric Yamamoto (recalled)

Direct examination by Mr. Izumi-----39 to 42

Cross examination by Mr. Davidson-----42 to 43

Cross examination by Miss Chock-----43

Cross examination by Mr. Schweigert-----43 to 45

Examination by Commissioner Yuen-----46 to 51

Dail Rhee (recalled)

Direct examination by Mr. Izumi-----53 to 65

The meeting was in recess from 11:44 a.m. to 1:30 p.m.

1:30 p.m.

Dail Rhee (cont.)

Cross examination by Mr. Davidson-----68

Cross examination by Mr. Schweigert-----69 to 78

Redirect examination by Mr. Izumi-----78 to 80

Examination by Vice Chairman Nakagawa-----80 to 81

Examination by Commissioner Yuen-----81 to 84

Examination by Chairman Duke-----84 to 85

Mr. Davidson submitted that he would be willing to withdraw his earlier motion if petitioner would make certain corrections in petitioner's Exhibit 1.

Mr. Izumi agreed to change the wording in the aforementioned paragraph as follows: "The existing buildings onsite that are located within the Urban District are non-conforming structures". This was agreeable with Mr. Davidson and he withdrew his motion. The Chair then ruled that the paragraph in petitioner's Exhibit 1, page 3-3, was amended as worded by Mr. Izumi.

Mr. Izumi requested that the Commission issue a declaratory ruling to the effect that petitioner's Exhibit 5, which is an enlargement of Figure 1-5 in Exhibit 1, be considered as the Land Use Commission's interpretation map indicating the 330' contour in the Conservation District.

Upon motion by Commissioner Pascua, seconded by Commissioner Yuen, it was unanimously agreed to go into executive session to receive legal advice from counsel regarding the above request.

The Commission was in executive session from 3:19 p.m. to 3:31 p.m.

3:31 p.m.

Chairman Duke explained that during the executive session, the Commission had received counsel to defer action on the declaratory request at this time, and to direct petitioner to comply with Section 8-2 of the Commission's Rules (Forms and Contents, Declaratory Order).

CITY DEPARTMENT OF GENERAL PLANNING

William W. Bartlett - Planner, DGP

Direct examination by Mr. Davidson-----107 to 111
Cross examination by Mr. Izumi-----112 to 113
Cross examination by Mr. Schweigert-----113 to 121
Examination by Commissioner Yuen-----121 to 127

Arthur K. Muraoka - Dept. of Land Utilization

Direct examination by Mr. Davidson-----128 to 130
Cross examination by Mr. Izumi-----131 to 133
Cross examination by Mr. Schweigert-----133 to 134

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Tatsuo Fujimoto - Head, Land Use Division

Direct examination by Miss Chock-----134 to 138

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

Cross examination by Mr. Schweigert-----141 to 154

Examination by Commissioner Whitesell-----155 to 156

Chairman Duke announced that the hearing on this docket will be continued until May 14, 1980 and that everyone will be advised of the details.

The meeting was adjourned at 5:10 p.m.