

Approved

STATE OF HAWAII
LAND USE COMMISSION

MAR 15 1983

Minutes of Meeting

Conference Room 322 B & C
Kalanimoku Building
Honolulu, Hawaii

December 3, 1982 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Richard Choy, Vice Chairman
Lawrence Chun
Everett Cuskaden
Shinsei Miyasato
Robert Tamaye
Winona Rubin
Frederick Whittemore

COMMISSIONER ABSENT: Teofilo Tacbian

STAFF PRESENT: Gordan Furutani, Executive Officer
Carolee Aoki, Deputy Attorney General
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

A82-534 - ALMA M. CHUNG

Chairman Yuen announced that three items were to be considered by the Commission under the subject petition today:

1. Environmental Assessment
2. Motion for Declaratory Ruling by DPED
3. Hearing

Environmental Assessment

Commissioner Chun moved that there would be no significant impact on the environment and that a negative declaration be filed. It was seconded by Commissioner Rubin and unanimously carried.

Appearances

Donald Chung, representing petitioner

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

Appearances (cont.)

Tatsuo Fujimoto, Head, Land Use Division)
Daniel Yasui, Planner, Land Use Division) - representing the
Department of Planning & Economic Development

DR82-7 - Department of Planning & Economic Development
Request by DPED for declaratory ruling regarding
Section 3-3 (6) of the Land Use Commission's Regulations

Closing Arguments

By Mr. Yasui-----5 to 7

Examination of Mr. Yasui by Chairman Yuen-----7 to 10

It was moved by Commissioner Cuskaden, seconded by Commissioner Chun and unanimously agreed to go into executive session to receive counsel from the Deputy Attorney General. The Commission was in executive session from 9:25 a.m. to 9:40 a.m.

9:40 a.m.

The Chairman reported that the Commission had received legal advice from its Deputy Attorney General concerning the proper procedure for the Commission to follow on the request for a declaratory ruling.

Closing Arguments (cont.)

By Mr. Chung-----11 to 12

It was moved by Commissioner Cuskaden, seconded by Commissioner Rubin and unanimously agreed to take the matter of the declaratory ruling under advisement.

HEARING

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

Exhibits

Petitioner's exhibits A through N were identified and moved into evidence.

County's testimony was moved into evidence.

Public witness Douglas Meller's exhibits I through IV were identified and moved into evidence.

Public Witness

Douglas Meller - Citizen

Read from prepared testimony-----	24 to 26
Cross examination by Mr. Chung-----	27
Cross examination by Mr. Yasui-----	28
Examination by Vice Chairman Choy-----	29
Examination by Commissioner Cuskaden-----	29 to 30
Examination by Chairman Yuen-----	30 to 31

PETITIONER

Donald Chung - Husband of Petitioner

Oral Testimony-----	31 to 34
Cross examination by Mr. Lim-----	34 to 36
Cross examination by Mr. Yasui-----	36 to 40
Examination by Commissioner Whittemore-----	40 to 41
Examination by Commissioner Cuskaden and Chairman Yuen-----	42 to 57

DEPARTMENT OF GENERAL PLANNING

Charles Prentiss - Planner, DGP

Direct examination by Mr. Lim-----	58 to 61
Cross examination by Mr. Chung-----	61 to 62
Cross examination by Mr. Yasui-----	62 to 65
Examination by Commissioner Cuskaden-----	65 to 66
Redirect examination by Mr. Lim-----	66

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Daniel Yasui - Planner, Land Use Division, DPED

Direct examination by Mr. Fujimoto-----67 to 71

Cross examination by Mr. Chung-----71 to 75

Petitioner's exhibit O was marked for identification and moved into evidence.

All parties reserved their rights to oral arguments until the action meeting.

Post hearing requirements were outlined by the Chairman. All parties agreed to waive the 30-day requirement for action on the declaratory ruling request on the subject petition.

Adoption of Minutes

The minutes of September 16, 1982 and September 24, 1982 were approved as circulated.