



LAND USE COMMISSION

Komikina Ho'ohana 'Āina

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

Ka 'Oihana Ho'omōhala Pā'oihana, 'Imi Wai wai a Ho'omāka'ika'i

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December 23, 2024

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1001 Bishop Street, Suite 2100
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SUBJECT: LUC Docket A93-701 Ka'ūpūlehu Developments Delinquent Annual Reports

Dear Mr. Lim,

Please be apprised that our records indicate, the mandatory annual reports for LUC Docket A93-701 Ka'ūpūlehu Development, have not been filed with the Land Use Commission ("Commission") since 2018.

Pursuant to Condition No. 27 of the Findings of Fact, Conclusions of Law, and Decision and Order issued on October 18, 2001 (the "D&O"), annual reports are due prior to, or on October 18th of each year. The required annual reports for 2019-2024 have not been filed with the Commission.

Additionally, Condition No. 3d, requires the Petitioner to provide regular reports to the Commission and the KDMC regarding the findings of the water quality monitoring program. Our records indicate that the last report was received by the Commission in May 2013.

Condition 26, requires the Petitioner to give notice to the 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 the visible commencement of construction of the property.

You are hereby informed that unless we receive a detailed annual report covering the each of the Dockets mentioned above by, February 12, 2025, the Petitioner will be required to appear before the Commission to provide a status report regarding the status of the development proposed under the subject docket.

The format of the annual report should be composed of two sections. The first section should briefly discuss the general progress of the project, including any regulatory approvals pending/obtained, or changes to plans. The second section should state verbatim all conditions imposed by the Commission, followed by a detailed report and data, on all efforts and challenges presented to comply with each stated condition.

Please include, when possible, the dates of any required regulatory approval obtained or expected, the specific areas of the redistricted lands to which the compliance activity relates, and any other new information regarding the project (i.e., photos, future plans, etc.). In compliance with representations made to the Commission, the Petitioner should:

- 1) Indicate the number of Affordable Housing units that have been created, and the number of occupied units.
- 2) The number of market rate housing units that have been created, and the number of occupied units.

We require that one original and one electronic copy of the annual report be filed with the Commission. The electronic copy must be ADA compliant, upon filing. We also note that the D&O requires the annual report to be served upon County of Hawai'i Planning Department and the Office of Planning and Sustainable Development.

Additionally, please provide the Commission with updated contact information for the ownership of the properties, this includes address, phone, and email addresses.

Should you have any questions, please contact our office, at (808) 587-3823 or via email at dbedt.luc.web@hawaii.gov.

Sincerely,



Daniel Orodener
Executive Officer
Land Use Commission
State of Hawai'i