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HAWAII COMMUNITY
DEVELOPMENT
AUTHORITY

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Attorneys for Proposed Intervenor

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

STATE OF HAWAII

KEAUHOU LANE, LP, and GE HAWAII
BLOCK A2, LLC,

Applicants,

vs.

HAWAII COMMUNITY DEVELOPMENT
AUTHORITY,

Respondent,

And

THE TRUSTEES OF THE ESTATE OF
BERNICE PAUAHI BISHOP dba
KAMEHAMEHA SCHOOLS,

Applicant for Intervention.

APPLICATION NO. KAK 13-151

THE TRUSTEES OF THE ESTATE OF
BERNICE PAUAHI BISHOP DBA
KAMEHAMEHA SCHOOLS' MOTION TO
INTERVENE IN THE ABOVE-
CAPTIONED APPLICATION FOR
DEVELOPMENT PERMIT FOR
KAMEHAMEHA SCHOOLS, LAND
BLOCK A (MASTER PLAN PERMIT NO.
PL MASP 13.2.8) TO THE HAWAII
COMMUNITY DEVELOPMENT
AUTHORITY; MEMORANDUM IN
SUPPORT OF MOTION; CERTIFICATE OF
SERVICE

THE TRUSTEES OF THE ESTATE OF BERNICE PAUAHI BISHOP DBA
KAMEHAMEHA SCHOOLS' MOTION TO INTERVENE IN THE ABOVE-CAPTIONED
APPLICATION FOR DEVELOPMENT PERMIT FOR KAMEHAMEHA SCHOOLS, LAND
BLOCK A (MASTER PLAN PERMIT NO. PL MASP 13.2.8) TO
THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Proposed Intervenor The Trustees of the Estate of Bernice Pauahi Bishop dba

Kamehameha Schools ("KS"), by and through its counsel Bickerton Lee Dang Sullivan Meheula

LLLP, hereby submits its motion to intervene in the Application for Development Permit for Kamehameha Schools, Land Block A (Master Plan Permit No. PI MASP 13.2.8) to The Hawaii Community Development Authority submitted by Keauhou Lane LP for Lot A-1-1 and GE Hawaii Block A-2, LLC for Lot A-1-2.

This motion is brought pursuant to Haw. Admin. Rules (“**HAR**”) § 15-219-49 and is based upon the attached memorandum in support of motion and the records and files herein.

DATED: Honolulu, Hawaii, February 20, 2014.



WILLIAM MEHEULA

Attorney for Proposed Intervenor
ESTATE OF BERNICE PAUAHI BISHOP DBA
KAMEHAMEHA SCHOOL

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

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MEMORANDUM IN SUPPORT OF
MOTION

MEMORANDUM IN SUPPORT OF MOTION

Proposed Intervenor The Trustees of the Estate Of Bernice Pauahi Bishop dba Kamehameha Schools (“**KS**”), by and through its counsel, Bickerton Lee Dang Sullivan Meheula LLLP, submits this memorandum in support of its motion to intervene in the application for development permit for Kamehameha Schools, Land Block A (Master Plan Permit No.: PL MASP 13.2.8) to the Hawaii Community Development Authority submitted by Keauhou Lane LP for lot A-1-1 and GG Hawaii Block A-2, LLC for lot A-1-2 (**Application**”).

HAR § 15-219-49 sets forth the requirements for intervention as follows:

- (a) A person or governmental agency may move to intervene and become a party to a contested case proceeding by filing a timely written motion in accordance with section 15-219-32.
- (b) The motion to intervene shall state the following:
 - (1) Name, address, and telephone number of the applicant and the applicant's legal counsel, if any, which shall be updated by the applicant at all times;

- (2) The nature of the applicant's statutory or other right to participate in the contested case proceeding;
 - (3) The nature and extent of the applicant's property, financial, or other interest in the pending contested case proceeding;
 - (4) The other means by which applicant's interest may be protected;
 - (5) The extent to which applicant's interest will not be represented by existing parties to the contested case proceeding;
 - (6) The extent to which applicant's participation can assist in the development of a sound record;
 - (7) The extent to which applicant's participation will broaden the issues or delay the proceeding; and
 - (8) Whether applicant's position is in support of or in opposition to the relief sought.
- (c) Where the contested case proceeding is to be conducted as a public hearing, a motion to intervene shall be filed by the deadline indicated in the published notice of public hearing.
- (d) Where the contested case proceeding is initiated by petition pursuant to section 15-219-46, a motion to intervene shall be filed no later than twenty days after the petition is filed.
- (e) Intervention shall not be granted except on allegations which are reasonably pertinent to and do not unreasonably broaden the issues already presented.

For the following reasons, KS submits that it meets the requirements of section (b).

- (1) KS's business office is located at 567 South King Street, Suite 200

Honolulu, Hawai'i 96813, and the telephone number of Cynthia K. Ching, KS' Senior Counsel of the Endowment Legal Division, Legal Group who is overseeing this application to intervene is (808) 534-3913, and the names and telephone numbers of KS' outside counsel who represent KS in connection with this petition to intervene are set forth in the caption.

- (2) KS is the owner of the fee simple property ("**Property**") that is the subject of this application.

- (3) KS is also the holder of PL MASP 13.2.8 and has entered into Joint Development Memoranda of Understandings with Keauhou Lane LP and GE Hawaii Block A-2, LLC ("**Applicants**") where with respect to Lot A-1-1, KS will own the commercial units and with respect to Lot A-1-2, KS will own 50% of Applicant GE Hawaii Block A2, LLC.

- (4) Other than intervention, KS has no other means to protect its interests.

(5) HCDA and Applicants are not required to protect all of KS's interest in the Property, its master plan, its master plan properties and its interests as set forth in the Joint Development Memoranda of Understanding with Applicants.

(6) KS as the holder of the master plan permit is involved in the development of the nine master plan blocks including Block A and thus it has material knowledge of all of the master plan properties that other parties may not have.

(7) KS will not broaden or delay the proceedings because it has an interest in timely completion of both projects.

(8) KS supports the Application.

Dated: Honolulu, Hawaii, February 20, 2014.



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CERTIFICATE OF SERVICE

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I HEREBY CERTIFY that a copy of the foregoing document was duly served upon the below named individuals, at their last known addresses via email and by depositing the same with the U.S. Mail, postage paid:

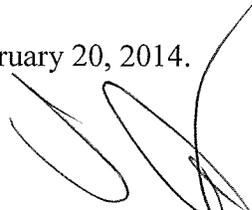
Counsel for Keauhou Lane, LP:

Curtis T. Tabata, Esq.
888 Mililani Street, Floor 8
Honolulu, Hawaii 96813
ctabata@m-klawyers.com

Agent for Applicant GE Hawaii Block A2, LLC:

Brent Gaulke
1477 NW Everett Street
Portland, OR 97209
Tele: (415) 829-4287
brent.gaulke@gerdingedlen.com

DATED: Honolulu, Hawaii, February 20, 2014.



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