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HAWAII COMMUNITY
DEVELOPMENT
AUTHORITY

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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

HONOLULU AUTHORITY FOR RAPID
TRANSPORTATION'S 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

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION'S 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 Honolulu Authority for Rapid Transportation, a semi-autonomous agency of the City and County of Honolulu (“HART”), by and through its counsel Donna Y. L. Leong, Corporation Counsel, and Gary Takeuchi and Lisa S. Hirahara, Deputies Corporation Counsel, hereby submits this 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 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 21, 2014.

Respectfully submitted,

DONNA Y. L. LEONG
Corporation Counsel

By 
GARY Y. TAKEUCHI
LISA S. HIRAHARA
Deputies Corporation Counsel

Attorneys for Proposed Intervenor HONOLULU
AUTHORITY FOR RAPID TRANSPORTATION

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

STATE OF HAWAII

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

Applicants,

vs.

HAWAII COMMUNITY DEVELOPMENT
AUTHORITY,

Respondent,

And

ESTATE OF BERNICE PAUAHI BISHOP dba
KAMEHAMEHA SCHOOLS,

Applicant for Intervention.

APPLICATION NO. KAK 13-151

MEMORANDUM IN SUPPORT OF
MOTION

MEMORANDUM IN SUPPORT OF MOTION

Proposed Intervenor Honolulu Authority for Rapid Transportation, a semi-autonomous agency of the City and County of Honolulu (“**HART**”), by and through its counsel, Donna Y. L. Leong, Corporation Counsel, City and County of Honolulu, and Gary Takeuchi and Lisa S. Hirahara, Deputies Corporation Counsel, 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**”).

Hawaii Administrative Rules (“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, HART submits that it meets the requirements of HAR § 15-219-49.

(1) HART's business office is located at 1099 Alakea Street, 17th Floor Honolulu, Hawaii, 96813, and telephone number is (808) 768-6159. The address and telephone number of Donna Y. L. Leong, Corporation Counsel, and Gary Y. Takeuchi and Lisa S. Hirahara, as legal counsel for HART, is 530 South King Street, Room 110, Honolulu, Hawaii 96813, and (808) 768-5240.

(2) HART is a semi-autonomous government agency of the City and County of Honolulu with oversight of the Honolulu Rail Transit Project ("**Rail Project**"), a portion of which includes the rail alignment and a rail station directly adjacent to the property that is the subject of this Application.

(3) HART has or will have a property interest in the lands directly adjacent to the property that is the subject of this Application.

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

(5) HCDA, Applicants and any other Intervenors are not required to protect all of HART's interests.

(6) HART's participation in these proceedings can assist in the development of a sound record by providing special knowledge about the rail alignment and rail station as it relates to the Application.

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

(8) HART supports the Application.

Based on the foregoing, HART respectfully requests that the HCDA grant leave to intervene.

Dated: Honolulu, Hawaii, February 21, 2014.

DONNA Y. L. LEONG
Corporation Counsel, City and County of Honolulu

By *Lisa S. Hirahara*
GARY Y. TAKEUCHI
LISA S. HIRAHARA
Deputies Corporation Counsel

Attorneys for Proposed Intervenor HONOLULU
AUTHORITY FOR RAPID TRANSPORTATION

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

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:

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DATED: Honolulu, Hawaii, February 21, 2014.

DONNA Y. L. LEONG
Corporation Counsel, City and County of Honolulu

By *Lisa S. Hirahara*
GARY Y. TAKEUCHI
LISA S. HIRAHARA
Deputies Corporation Counsel

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AUTHORITY FOR RAPID TRANSPORTATION